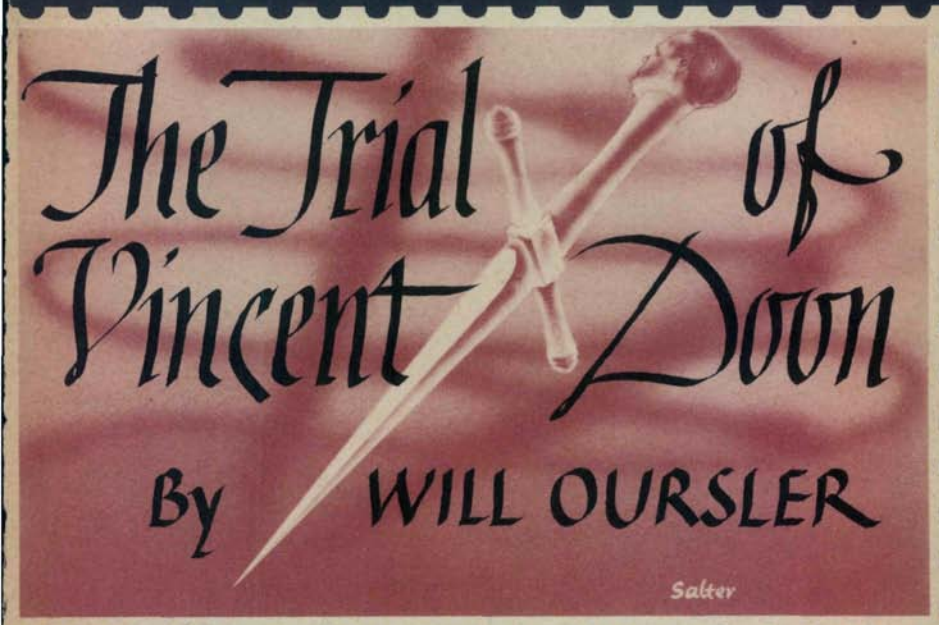
A Mercury Mystery

The Trial of Vincent Doom



By WILL OURSLER

"Unusual"

SATURDAY REVIEW OF LITERATURE

25¢

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THE TRIAL OF VINCENT DOON

By WILL OURSLER

A MERCURY MYSTERY

THE AMERICAN MERCURY • NEW YORK

LAWRENCE E. SPIVAK, *Publisher*

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OBITER DICTUM

THIS IS A RECORD of truth and lies. In no place that I know of do the forces of good and evil, light and darkness, right and wrong, clash more directly than they do in a court of law.

For more than twenty years, as Philip Strong's partner, I have taken part in these battles. You've heard of Strong, of course. His courage and integrity, his struggles on behalf of the accused, often in the face of bitter public prejudice and sometimes even political corruption, have carried his name throughout the world.

There are, in his philosophy, two kinds of guilt. The first is based on the facts and the arbitrary laws of society. The second concerns the inner consciousness of human beings, the eddies and whirlpools of passion.

To Strong, factual guilt is of secondary importance. Even before the trial, we were aware of the mass of evidence the police had collected against Doon. Yet many a defendant has justified the facts — and his crimes — by the causes behind them. Strong, from the very start, realized that those causes had to be uncovered.

It was a struggle against dark forces. At times it seemed almost bewitched, as though every fact, down to the most trivial detail, were aligned against us. Yet Strong never doubted. I recall his confident whisper to me, as we entered the courtroom that first day: "The truth will be there, Jim, somewhere along the line."

Horror also was there. Horror not of what we knew but of what we didn't know. For only two persons could have explained the emotions behind the crime — the murderer and the man he killed. But the murderer would take refuge in silence, and dead men do not return to testify.

But now it is over, and I am publishing, with Strong's permission, this stenographic record of the trial, that those who wish may study the evidence.

For the drawings in this record, I take sole blame. Often during trials I find myself making sketches — doodle drawings really — of persons in the court. I include the Doon trial sketches in the hope that — while lacking artistic value — they may provide additional evidence of the people involved.

Whether Strong was right in his prediction that the truth would be there — what shape guilt finally took in the trial — are questions I leave the reader to answer for himself.

JAMES MATTHEWS

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PERSONS INVOLVED IN PEOPLE vs. DOON *

VINCENT DOON, accused
ELIZABETH VAN EYCK, fiancée of victim
MAJOR WINSTON FAVERILL, family friend of the Van Eycks
PETER VAN EYCK, brother of Elizabeth
RICHARD VAN EYCK, father of Elizabeth and Peter
NORA AVERY, school friend of Elizabeth
DAPHNE BORDEN, friend of Peter Van Eyck
VICTOR U. RIVOLLI, New York art dealer
EMMETT HALSEY, phone installing man
MARY O'BRIEN, Van Eyck cook
JAMES BECKER, Van Eyck chauffeur
SQUIRES QUIG, Van Eyck butler
MEDICAL EXAMINER EMIL J. JOSEPH of New York County
LIEUTENANT WILLIAM WEST, Homicide Squad, Police Headquarters
SERGEANT HERBERT TABOR, Bureau of Identification
OFFICER RICHARD T. MCLEAN, Homicide Squad
OFFICER REGINALD H. BLUMSTEIN, Homicide Squad
JOHN H. SULLIVAN, Engineer, District Attorney's office
DISTRICT ATTORNEY STEPHEN P. COLLINS, of New York
PHILIP STRONG, defense attorney
JAMES MATTHEWS, assistant to Strong
JUDGE ALTON WOODE of Court of General Sessions, New York County

* The list is from the files of our own firm, Strong and Matthews. J. M.

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#137

COURT OF GENERAL SESSIONS
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

— *against* —

VINCENT DOON

Defendant

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuse the defendant of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

The defendant, in the County of New York, on the night of April 8, 1940 willfully, feloniously and of malice aforethought, stabbed with a knife and thereby inflicted divers wounds upon said EDWIN HALLETT and thereafter and on or about the night of April 8, 1940 said EDWIN HALLETT died of said wounds.

STEPHEN P. COLLINS

District Attorney

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COURT OF GENERAL SESSIONS

of the County of New York

Indictment No. AAA2157346

The People of the State of New York

against

VINCENT DOON

Before Hon. Alton Woode, J., and jury

Indicted for murder in the first degree

Indicted April 19, 1940

New York, September 23, 1940, etc.

Appearances:

For the People: Stephen P. Collins, Esq., District Attorney, and staff.

For Defendant: Philip Strong and James Matthew

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MR. COLLINS MADE AN OPENING STATEMENT IN BEHALF OF THE PEOPLE, AS FOLLOWS:*

MAY IT please your Honor, Mr. Foreman, Gentlemen of the Jury: We come before you in a sense of humbleness. You are here to pass judgment on a fellow citizen. Were I to inject my personal emotions into the conduct of this trial, I might truly be unable to control the natural feelings of disgust which come to any man in the examination of brutal crimes.

The case before us is one bound to impress with its cruelty. At its core, we shall show, is that most malignant and bitter of emotions, jealousy. All of us know this emotion. We have all experienced it in some minor degree. We have read of it in the works of Shakespeare and other poets. Nor did they exaggerate its power. For there are occasions when it spreads like a toxic in the human body. Sometimes it becomes so strong that it drives men to kill.

The People intend to prove that it was jealousy primarily which led the defendant to murder Edwin Hallett.

What are the exact facts, as we will show them?

Let us turn to a mansion at No. 84-32 Fifth Avenue in this city. A fine old white stone house, typical of yesterday's New York, residence of an old family, the Van Eycks.

At the head of this house stands Richard Van Eyck, wealthy, well-known, respected. And there is his son, Peter, formerly a student at Harvard, and Betty, Peter's sister. Also in this home is Major Faverill, an old family friend, who is Betty's godfather.

These are permanent residents. But there were other persons in the house the night of the murder.

Edwin Hallett, the victim, became engaged to Betty Van Eyck in the fall of 1939. In the spring of this present year, the Wall Street firm for which he worked as a broker's investigator, transferred him from their Maine office to New York. The Van Eycks invited him to stay at their home. Edwin and Betty were to be married in June; it seemed foolish and wasteful for him to rent an apartment or live in a hotel for those few months. Edwin Hallett also became — pro tem — a member of the household, on or about March 7.

Evil has a way of edging in. Sometimes, it comes from the past; innocent doings and petty pleasures prove to be — if you will — wolves in sheep's clothing. Such an experience overtook Betty Van Eyck.

* The address lasted for some time. Many of District Attorney Collins' remarks, however, seemed off the subject. I have cut those portions which appeared pointless. J. M.

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In January, a few days after New Year's, she had gone to Boston, to visit an aunt. While there, at a party, she was introduced to Vincent Doon, a young artist, gay with a romantic flair, exciting with his wild dreams of future success and glory.*

It is not hard to see how a beautiful young girl like Betty Van Eyck, of a socially prominent family, would prove most attractive to a struggling young artist. He was quick to capitalize on their introduction. They became friends, and during the few weeks she was there saw each other frequently, went to dinners and dances and enjoyed a pleasant companionship.

To Betty, already engaged, this was only an interlude with an interesting escort. Edwin Hallett was her real love. But she saw nothing wrong in a perfectly harmless friendship.

* This picture was in sharp contrast to the real Doon, as he sat there, broad shoulders drawn back, brown eyes staring before him, hands nervously twining. J. M.

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It was otherwise with the defendant. Fully realizing what she could do for him, he had allowed himself to fall in love with this young girl. That he was rejected by her served only to fan the flame.

Betty Van Eyck came back from Boston late in January, at the conclusion of that vacation. She had seen Edwin Hallett on her last week end there — he had flown down from Maine — and she had spoken jokingly of Doon. Then, dismissing him as unimportant, they turned their thoughts to future plans for marriage.

But on her return to New York, she began to get letters from Doon. Letters warm with affection, pleading for her love. Disturbed, she wrote a note terminating their friendship.

A few days later — on March 7 — Hallett came to stay with the Van Eycks. Now comes the first overt step in the crime.

On the morning of March 26, 1940, we will show, Vincent Doon arrives at the Van Eyck home. To the butler, he blithely declares that he has been invited to stay there. When Betty Van Eyck hears of this, she hurries downstairs. Naturally kind, she tries to explain to him that they had not been expecting him.

But Doon has his story well worked out. While she was in Boston, Doon had mentioned to her that he planned soon to pay a visit to New York. Casually, she had said something like, "Oh, you'll have to stay with us when you do." No more than that. It was forgotten — by her. But Doon remembered.

Betty Van Eyck is a young woman of culture. She does not wish to be rude to her caller. She does not know exactly what she should do. Doon declares to her that he came to New York only because he knew he could stay with the Van Eycks. Otherwise, he says, he wouldn't have been able to afford the trip. While she is trying to think of a way out, her father comes in. In the presence of Doon, she briefly explains to her father the surprise visit. The father recognizes the difficulty of the situation, but — a gentleman of the old school — he sees nothing to do but ask the uninvited caller to stay with them.

Father and daughter expected, at worst, a visit lasting a day or so. It lasted, in actual fact, much longer than that. The defendant set himself up in the house, practically as a member of the family.

From the very beginning, the friction between this self-invited guest, unwanted by all of the household, and the unhappy victim in this case, was patent. There were quarrels, bitter words, unpleasant episodes. To the defendant, this apparently meant little.

It is clear that, if he had not already conceived the crime, he at any rate intended to break up the romance of Betty and Edwin. We can imagine his feelings, as he sees the woman he loves in the arms of another. Betty, to lessen the strain, invites to her home a school chum, Nora Avery. Sometimes the four of them, Betty and Edwin, Nora and the defendant, go out on "dates" together. But these are, as we will show, unhappy occasions.

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It is easy to see how the defendant, forgetting everything except his jealous hatred of Hallett, plotted the details of his crime.

Because of the arrangements of the house, Doon and Hallett occupy the two rooms on the top floor. Both rooms are on the front; both overlook the park. Both open on the hall. No one else resides on this floor. There will be no one else to see.*

The defendant is careful to take his time. There is no need for hurry. All must be planned; at least, that is his intention. His mistakes, however, indicate that he did not know so much about perfect crimes as he imagined. . . . There is, of course, no perfect crime. . . . Our police today are well trained in dealing with all types of culprits, habitual and otherwise —

MR. STRONG: I object to the District Attorney's remarks about perfect crimes. This has nothing to do with what he intends to prove. It only confuses the jury, plays upon their emotions —

MR. COLLINS: There was an attempt to commit a perfect crime.

MR. STRONG: It remains to be proved that the defendant tried to commit any crime at all. In this country, in case you're unaware, a man is innocent until proven guilty.

MR. COLLINS: Your Honor, my task here is to protect the public. In this age of ours, with criminals rampant, preying upon decent people, we in the District Attorney's office attempt to build air-tight cases against those we believe to be malefactors. If murderers are to be allowed to run loose —

MR. STRONG: You forget that you haven't proven Mr. Doon is a murderer. You are acting as if it were already an acknowledged fact.

THE COURT: I see nothing out of place in his few remarks regarding the work of police officers in solving perfect crimes.†

MR. STRONG: Your Honor, I've opposed Mr. Collins in several cases. I know well his method of appealing to sensationalism, to the fear of having so-called criminals running loose, instead of sticking to real evidence.

MR. COLLINS: I don't suppose you appealed to the emotions when you tried to fill the jury with pity for habitual criminals — ‡

THE COURT: Counsel on both sides must refrain from addressing each

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* Collins, who stands over six feet, paced up and down before the jury, chin outthrust. His hair, as usual, was slicked down, but I noticed the bald spot in back had enlarged since I had last seen him in action. His manner was that of a man aggressively doing his duty for society in general. J. M.

† Judge Woode, for all his frigid bearing and his white hair, is no usual jurist. I have known him for thirty years, on and off the bench. I know him to be a wise and humane judge, often going to great lengths to give an accused man a "break" — and perhaps another try in the world outside. Here, however, it appeared to me that he was wrong. The discourse about perfect crimes could only help prejudice the jury against Doon, and had nothing to do with what the People hoped to prove. J. M.

‡ Strong and Collins had opposed each other in four other cases — in three of these cases Strong won acquittals. The other was a hung jury. Collins did not relish recalling these defeats. J. M.

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other. This is not a sports arena. I have ruled that the District Attorney's remarks are allowable. Proceed.

MR. COLLINS: Well. On Monday, April the eighth, as the People will prove, the defendant purchased a knife from Rivolli and Company, on Madison Avenue. A strange knife, with a hand-carved handle, expensive. This knife was listed as a paper cutter. But it was ten inches long, with an exceedingly sharp blade, and Doon, we shall prove, intended to use it — and did use it at last — for a desperate purpose.

On April the ninth, mind you, Betty Van Eyck was to hold a small party in her home, a party of the young ladies she planned to select as bridesmaids for her forthcoming wedding. Events were to insure that this party would never be held.

On the evening of April the eighth, dinner was held as usual at the Van Eyck home. At that dinner were Richard Van Eyck, Peter, Betty and Edwin, Nora Avery and Major Faverill — and the defendant.

After dinner, the group breaks up. Betty and Nora go to their rooms on the third floor. Major Faverill and Richard Van Eyck go to Van Eyck's rooms, to play chess and to chat. Peter announces he is going to a motion picture, although he abandons this plan and returns home somewhat later in the evening, presumably about ten or ten-thirty o'clock. Hallett, rushed with work now that he is back in the city, announces that he has a number of papers to study and goes to his room.

Doon states that he is going for a walk in the park, in spite of the fact that the spring evening is showery. He returns, according to his story, at approximately eleven-fifteen o'clock. He is seen by none of the members of the household.

The People will prove that now, without further ado, he takes the paper knife into the room where Hallett was engaged in work, that room on the top floor, overlooking the park. As Hallett turns and looks up, with no suspicions, the defendant brings down the knife with lightning speed, slashing his victim's throat. It is a well-aimed blow, and strikes its mark.

Hallett slides to the floor, blood spurting, staining his white shirt and the dark dressing robe he wore. His life's blood. For a moment the body twitches, then is still. The defendant stares down coldly at what was once his rival, stares at what was, a moment before, Betty Van Eyck's sweetheart. In a final gesture, he plunges the knife into Hallett's body, and leaves it there. He reaches down, rubs away fingerprints from the knife with his handkerchief. Carefully, he rubs away other fingerprints in the room. He sees a few newspapers in the fireplace. He drops there his handkerchief — now bloodstained. He lights a match, watches the sudden flames consume entirely, as he thinks, the piece of evidence. The job done, he returns to his room and goes to bed.

On the following morning, discovery was made by Peter Van Eyck, who came to the room to awaken Hallett, as Peter and Hallett had an early appointment, and Peter feared Hallett might be oversleeping. It was a sight to shock men stronger than Peter. But as soon as his shock lessened, he gave the alarm.

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The police were called at once, and the case was put into their hands. All of the crime scene was gone over by police technicians, every member of the household was questioned.

We will show how the defendant tried to lie his way out of the difficult position he was in. Many of the lies may seem trivial, each taken by itself. Added up, they can lead to one conclusion only — that he lied to conceal his own guilt.

Following the defendant's arrest, every effort was made to obtain from him the full truth. The police questioned him at some length. He refused to change his original story in any way. He admitted, as we will show, that he purchased the murder weapon. But he maintains that he purchased this weapon at the request of the victim.

It is hard to find logic in such a statement, but there it is. That is his claim, unbelievable as it may sound to you. . . .

. . . I and my staff, the police, the Medical Examiner, all are no more than instruments, the instruments of the people in a democracy, the instruments of justice itself.

I have said that society must be protected. It is not my belief that criminals should be pampered. No matter what appeals may be made to you to pity this defendant, to justify somehow this deed, you must not forget the pity to be reserved for the dead man. He had a life, too — and it was taken from him. I am no pussyfooter on these points, no social worker. In collaboration with the police and other law-enforcing agencies, it is my job to see that thieves and murderers and their ilk are behind bars, where they can do no harm to honest people. We are all sorry that criminals are criminals — so are we sorry that mad dogs are mad. But we don't let our regret hamper us in putting the mad dog out of the way. Criminals, be they habitual or otherwise, are a menace to society — as such, and not as ordinary human beings, we must treat them.

We will place the case before you not as we would like the facts to be, but as we found the facts by patient examination.

I am not, however, presenting at this time the details with respect to the evidence you shall hear. I am merely giving you, in a broad outline, the general case, so that you will be able to follow more clearly the testimony as the witnesses give it on the stand.

After we shall have proven the facts, I shall ask that you find the defendant guilty of murder in the first degree.*

* Collins, at this conclusion, returned to his chair at the prosecution's table and sat down. His air was that of a man who had performed to his own satisfaction. Because of his heavy build, he seemed too big for the chair he sat in, and I half expected it to crumble under his weight. J. M.

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MR. STRONG MADE AN OPENING STATEMENT IN BEHALF OF THE DEFENDANT, AS FOLLOWS: *

YOUR HONOR, Mr. Foreman, Gentlemen of the Jury: I shall be brief as possible.

I am here not merely as an attorney, hired for a fee. I am here also as a human being, to defend a man placed in jeopardy of his life by the accusation of murder.

Vincent Doon, like many of those who will stand to accuse him, is of the upper stratum of society. I do not mean to hint that the aristocratic are any less liable to commit crime than the poor. But it is a fact that neither the defendant, nor any of the main witnesses against him, has ever been arrested before for a serious offense.

And yet, one of them must have committed this crime.

One of them. This thought I wish to emphasize. Whoever perpetrated this crime, if it were the defendant, or one of the others, was no ordinary criminal. The truth in the crime is not to be found in ordinary criminal motives. It must depend upon the unusual personalities involved, upon the complexes and reflexes below the surface.

These are respected citizens, of old and cultivated families. Their thoughts, their emotions, their hopes and fears and hates are all-important. They are not, in fact, very different from the thoughts, and the hopes, and the fears of most of us.

Yet — tragically — the emotions they knew have entangled them in murder.

We do not understand it. We, as laymen, cannot understand the complex patterns of emotions. The best we can do is to seek to determine the truth, and to pass judgment according to our laws, which we have set up for justice and security.

The facts are vital, yet they are often far from conclusive, especially in complex cases such as this. It is not enough to guess at who is guilty. Proof must be furnished of the guilt, proof so positive, so overwhelming, that reason has no voice to raise in doubt.

As the District Attorney stated, this is not the first time he and I have been on opposite sides. It was no news to me to hear his remark that criminals are not human beings. I am aware that he has called me a starry-eyed idealist — and other things — for daring to believe that they are human, and that society itself is often to blame for its criminals. I am also aware of his obvious opinion that there is little or no difference between a man accused and a man convicted. On this point, I shall take great care to prevent any false innuendoes. An indictment is merely an accusation, the People still must prove the facts. I will object to any side-mouth remarks or bombastic talk which might harm Mr. Doon.

* Little about Strong suggests the average defense attorney. His personality is utterly untheatrical. Reticent, soft-spoken, with brownish hair, graying at the edges — and receding at the temples — he rather reminds one of a tall, gangling scholar. Only if you looked behind those rimless glasses into the somber eyes, probing and depthless, could you find a hint of the power, of the rooted sense of justice, of the reservoir of pity he has for all fellow mortals, even enemies. J. M.

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No matter what may be said to the contrary, by the District Attorney or anyone else, there is good reason for the protection our laws give to men accused. I have spent a lifetime trying to help make those laws effective; to prevent injustice. Sometimes our system fails — the innocent may be convicted, the guilty may go free. But by and large, the system works.

I know the District Attorney will agree on this. We are both anxious to protect society, but from different viewpoints. He regards most of those laws which protect accused men as loopholes for criminals; I regard them as safeguards for men who may be innocent.

The case to be presented to you, as the District Attorney has outlined it, is to be one of circumstances. The People will offer, he tells us, a series of facts, from which you are to draw the conclusion that the defendant committed the crime of which he stands accused.

It shall be our purpose to show that this conclusion is not valid, that the facts as presented do not warrant the verdict which the People intend to ask. Circumstantial cases are, at best, weak. From the same sets of facts, following different paths of reasoning, one may easily arrive at completely contradictory conclusions.

Vincent Doon has pleaded innocent. He is innocent. His crime, if it may be called such, is that he loved a girl who rejected him, for reasons of her own.*

I don't intend to harangue you. I desire only to point out that the case you will be given will be entirely circumstantial. The District Attorney will tell you that the circumstances are not pure chance happenings, but that they prove the guilt of Doon.

The defense also does not believe that all of the circumstances to be presented are pure chance. We believe we will be able to show, before the trial is over, that some of them, possibly all, were manufactured, were "plants" left at the scene by some person other than Doon to divert suspicion.

One of the persons involved in the tragedy of the Van Eyck household is a killer. One of them was caught in the current of his own emotions, swept on into the crime which has shocked us all, the crime of which Vincent Doon stands accused.

We will show, before all else, that Vincent Doon is innocent, that the evidence offered by the People is not conclusive, that not merely one, but a dozen reasonable doubts clamor to be answered, but cannot be answered.

That will be our first task.

But perhaps we will accomplish another end. Perhaps, out of stories and counter-stories you will hear told by various witnesses, the truth will come. Perhaps we will learn who is the real murderer.

There can be no doubt that as the trial proceeds, as the evidence develops, the real pattern of the crime will be clearer.

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* Seated in the row of witnesses, a thin-faced, dark-haired young woman, dressed in black, twisted nervously. She was Betty Van Eyck. Many in the courtroom turned to gape at the fragile girl. J. M.

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You will listen to the words not only of a prosecuting attorney but also of the people themselves, that small group whose lives are intertwined in this case before you. And by their words — by the words of those very ones who accuse — you will find Vincent Doon innocent.*

PETER VAN EYCK, OF 84-32 FIFTH AVENUE, NEW YORK, N. Y., CALLED AS WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:†

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are Peter Van Eyck, and you reside, I understand, with your family at 84-32 Fifth Avenue? A. Yes, that's where I live.

Q. How old are you, Mr. Van Eyck? A. I'm twenty-two.

Q. Are you in business? A. I'm — well, I was a college student. Harvard. I left college last winter, anxious to get started in business. Not flunked out or anything. Got sick of the silly stuff.

THE COURT: The witness will have to speak louder. Remember that the jury, and I also, must hear everything that you have to say. Keep your voice up. Don't mumble your answers.

Q. You haven't been able to get a job? A. Not yet.

Q. Who else lives at your home, besides yourself? A. There's Dad. My sister, Betty. Major Faverill — he's a friend of Dad's. And the servants.

Q. Whether or not there were any other persons living in the house, or stopping with you, on the day of April 8th?‡ A. Vinnie — Vincent Doon, that is — the defendant. Nora Avery — she's a classmate of my sister. And that's all, I guess.

Q. All? That was all? A. Oh — I — there was Ed, Edwin Hallett.

Q. On the morning of April 9, did you have occasion to go to Mr. Hallett's room? A. Yes. A little after nine o'clock.

Q. Why did you go there? A. Well, Ed and I had a date. He was going to introduce me to some fellow I wanted to see about getting a job. Ed didn't show up and I began to get worried. Thought he had overslept. He'd been working late the night before, at least he said he was going to work late. So I went up to wake him.

* Strong attempted no oratorical flourish in these closing words. But he spoke with a deliberate emphasis which lent his meaning added power. J. M.

† Van Eyck's appearance was lanky and lean, with black, rumpled hair, and chill blue eyes. He was dressed in a tweed suit which he wore with a carelessness typical of many spoiled but well-off young men. He appeared visibly agitated during his testimony, especially at the start. J. M.

‡ This "whether or not" way of asking a question is often used in courtroom questioning. It saves time by avoiding the repetition of the full: "Did you know whether or not . . . ?" J. M.

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Q. Tell the court, in your own way, what you found. A. Ed's room was on the top floor at the end of the hall. Facing on the Avenue. It's the one that guests slept in, before Ed came.

Q. Anyone else live on that floor? A. Doon. In the room right next to Ed's — it faces on the Avenue, too. There's a room in the back. Playroom. Hasn't been used since we were kids. All the doors on the floor were closed. I knocked on Hallett's door. Nobody answered. I called to him. Nobody answered. Doon opened his door and asked what all the shooting was about.

Q. Would you point out the defendant Doon to us?

(The witness left the stand, walked to the defendant, pointed at him.)

A. He's — Doon.

(The witness returned to the stand.)

Q. Do you recall the defendant's exact words? A. Pretty near, anyway. He opened the door just about half way. He said something like, "Hey, Pete. What's going on? What's all the shooting for?" I said I thought Ed had overslept. He said I'd better go in and shake him. I opened the door and started to go in. Then I — I saw him on the floor. All crumpled up.

Q. You mean by that — whom? A. I mean Ed Hallett — he was — crumpled. He —

THE COURT: The witness can take his time. Don't be nervous. The more you can keep emotions under control, the more surely we can reach a true verdict. Please proceed.

Q. Can you describe his position? A. He was, his body was, close to the desk where he worked. His face was sort of turned to the door and it seemed, his face seemed contorted. As if he were in pain. His eyes were open, staring.

Q. Was he on his back or his stomach? A. He was on his stomach. But his head seemed twisted.

Q. How was he dressed? A. Wearing the blue dressing robe my sister gave him. There was something sticking out of him, out of his back. The robe was all stained. And I saw his — his throat was slashed.

Q. How far did that thing stick out of his back? A. Several inches. About three or four. It was some crazy design, that was my impression at first. It was like a man's head, carved in wood.

Q. When you first saw the body, where was the defendant? A. Well, he was standing behind me. The two doors, you see, were right next to each other. I was in a blue funk. I must have let out a yell. The next thing I knew, he was standing behind me.

Q. Did he say anything? A. He — it was sort of like a sob. He said something low, about how it couldn't be possible.

Q. What were the exact words, as near as possible? A. It seemed as if he choked. "Oh, it can't be," he said, "it can't be." That was about it.

Q. What did you do? A. I hadn't ever seen death before. But I went forward. The sight, it was rotten. I knew we ought to do something so I went in. Vinnie was right

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behind me. When we got close to, he started to speak. His voice was — hollow. He said, "Dead, Pete. Someone murdered him. Don't touch anything." I just stood there. Kind of dizzy.

Q. Did the defendant seem excited?

MR. STRONG: I object. It is a matter of opinion, whether or not he was excited. The witness is supposed to give only facts — not opinions. It's a typical example of the district attorney's method —

MR. COLLINS: He's objecting on a mere technicality, the phrasing of a question, and he launches forth on a discourse about "typical example of method" as if one question —

THE COURT: I'll sustain the objection. Strike the question out.

Q. What did the defendant do, after he said not to touch anything in the room where you found the victim? A. He walked, tiptoed in front of me, stared down at the — Ed's body.

Q. Can you say how long he looked at it? A. It was several seconds. I remember noticing that the windows were closed. Then he turned away and looked at me. He was pale, his eyes were narrow, like slits. "That's my paper cutter," he said, "I bought it for him yesterday."

Q. You are positive about those words? A. Yes. He said: "Hallett asked me to buy that paper cutter for him." He bent down on his knees and looked at it very close and then he got up. "That's it," he said, "that's the paper cutter. But he couldn't have slashed his own throat and then put the knife in his back, could he?"

Q. What did you reply? A. I didn't. I — I was shocked, as if someone had hit me. I felt like I was going to be sick to my stomach. Vinnie said we had to tell the others right away. We both ran out of the room, he went to the railing and called downstairs. He said something terrible had happened, and they should come at once.*

Q. Who came up? A. Major Faverill and my father. We told them, Vinnie and I, what had happened, to prepare them for the shock. Vinnie repeated that no one should touch anything until the police got there. Dad and the Major went to the door and looked in. Nobody said a word. After that, Dad told me to go downstairs at once to the telephone in his room and call the police.

Q. Was anything else said at that time? A. No. Except — as I started downstairs — I heard Dad say: "We'll find out about this, Doon."

Q. Did you hear the defendant reply? A. No. I hurried down to Dad's room. That's on the third floor. I dialed the operator. Told her I wanted police quick. I heard a man's voice — he said it was Headquarters. I told him a man was dead — that it looked like a murder. I gave him the address. A little while after that, the police came.

Q. What did you do between the time you called and the police arrived? A. I went to

* The other witnesses were listening intently to this part of the testimony. As in all cases, if either attorney had wished, he could have had the judge exclude from the courtroom all witnesses except when testifying. Neither, however, followed such procedure in this case. J. M.

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the hall, called up to Dad that the police were coming. He said not to come upstairs — there was too much confusion already. I saw Betty starting to run upstairs. I tried to stop her but she pushed past me. Her face was white. I went on down to the first floor. Everything was in confusion. I wanted to help — didn't know what to do. Then — not long after — the police came.

Q. How long had you known Ed Hallett? A. Plenty long. His folks — they died a few years ago — they were friends of my folks. He was five years older than I — but I've known him as long as I remember.

Q. You and he were good friends? A. I didn't say that. I've known him a long time. We went to the same prep school — he was a senior the year I entered. But friends — I doubt if anyone was actually his friend.

Q. That's your opinion. I don't care about that. A. I was trying to tell you what I know. Ed Hallett has been a part of our circle all his life — until his death. But you couldn't get to him, couldn't get underneath of the surface, if you understand me. He was a grind. In prep school, he was the leader of his class. Not because he was especially popular, but everything he touched he did well. Did it completely. Thoroughly. I was sort of hit-and-miss —

Q. All right. We can't take all day. Turn back to the defendant. How long have you known him? A. Just since he came to the house. I hadn't run into him before that.

Q. How did Hallett and the defendant get along together, in the house? A. They didn't. They quarreled a good deal. When they were together, they had plenty of disagreements. There's one funny part about it. Toward the end, the last two or three days, they seemed to bury the hatchet. I don't know why. But the arguments and all that stopped.

Q. Have you any idea what caused this change? A. No. No — I didn't get the point at all.

Q. Do you recall any specific quarrels? A. One night in the drawing room Ed told Vinnie that he ought to leave the house. Vinnie said he'd come over for a special reason, to protect Betty, and he was going to do it. Ed said if there was any protecting to be done, he — that is, Ed — would do it. Vinnie said Ed didn't love Betty. Ed said something in such a low voice I didn't hear it. Then he just turned around and walked out of the room.

Q. Betty present? A. No. Just the three of us were there. Another time, Ed told Vinnie to stay away from Betty, that she was sick of having him in the house. That was about the third night Vinnie was there. Vinnie said maybe she is but I'm staying. I told Ed he better not say anything, because Vinnie was also a guest in the house. I knew Dad wouldn't want any fight.

Q. What were the dates of these two quarrels you have described? A. Well, the first one happened the night after Vinnie arrived. And the next one happened — let's see — the night after that.

Q. Which would make it March 27th and 28th, respectively? A. Yes.

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Q. There were other occasions? A. They were always at each other. Except, as I said, the last two or three days. They must have kissed and made up.
Q. Did they ever actually have a physical fight? A. No. I never saw them, anyway.
Q. Come back to the night before the crime. Tell the court what you know about events on that evening. A. I spent that day on Long Island. Playing golf. . . .
Q. With whom was that? A. I don't want to say. She — she wasn't involved in the case.
Q. Well, I see no reason to drag her into it. My brother* may regard it otherwise. When you finished your golf game — then what? A. I came home alone. I washed up in my room, that's on the third floor. We had dinner. Around six-thirty. Cocktails before, in the drawing-room. After dinner, around seven-thirty, I went out. I thought about going to a movie. I walked along Lexington Avenue, looking for a show. I didn't see anything I liked, so I came home.
Q. What time was that? A. I didn't look at my watch. As near as I can guess, it was about ten o'clock. I took my time, had a cup of coffee, read the paper — that was in a drug store.
Q. When you got home, what did you do? A. Well, everything was pretty dark except for the lamp in the front hall. Dad's door was closed. So was the Major's. I figured they were in Dad's room, playing chess. . . .

MR. STRONG: That's the witness's opinion. I object.

THE COURT: Yes, it's only a guess. Objection sustained.

Q. Tell us only what you know to be the facts, Mr. Van Eyck. You didn't see anyone? A. No. I went to my room, got into bed, and read.
Q. What floor is that? A. Third. Doon and Hallett were on the floor above.
Q. While you were undressing, and after you were in bed, did you hear any noises of any kind? A. I could hear the girls chattering in my sister's room, right next to mine.
Q. The girls? A. My sister and Nora. I knew the voices. But I didn't hear anything they said, you know. It wasn't very distinct.
Q. Did you hear anything else? A. No, I can't say I did. Oh, yes. About eleven. I heard someone go upstairs. Went on up to the top floor.
Q. That was about eleven? A. I'm not sure of the time. I had been reading quite a while, and was sleepy, even though I knew it couldn't be very late. It was around eleven, maybe fifteen minutes one way or the other. I got up then, opened the window, put out the lights, went to sleep.
Q. Right to sleep? A. Yes, I must have. I don't remember much of anything except getting into bed. I was tired from the golf — we played two rounds.
Q. Did you hear the phone ring at all? A. No, I didn't.
Q. Was the phone used much at night? A. Well — yes. It's funny. Ed used to get calls at weird hours — sometimes one or two o'clock in the morning.

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* My brother is an old-fashioned way of referring to the opposing counsel. It is little used nowadays except for sarcastic emphasis. J. M.

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Q. Personal calls? A. He said they were business calls — but it was odd. We didn't understand it.

Q. Who was at dinner, that night before the crime? A. The whole family. And Nora — and Vinnie and Ed.

Q. What did you talk about? A. Just general stuff. The war, everybody was talking about the war, how dreadful it was and would we be in it.

Q. Was anything said about the paper cutter which the defendant told you he had purchased? A. No, nothing was said.

Q. No exhibition of animosity between Hallett and anyone at the table? A. None at all.

Q. Did the defendant say what he was going to do that evening? A. He said something about going for a walk because it was spring. Someone — I forget who it was — reminded him that it was showery out. He said he didn't care.

Q. Hallett and Betty have any plans? A. No. Betty was quiet through dinner. So was Ed. Afterwards, she said she and Nora had a lot to talk over because the next day she was having a luncheon party. They went to Betty's room — that's where the girls stayed. Ed said he had plenty of work to do and would probably be working late. He said he'd see us all the next day.

Q. It was after that that you went out yourself? A. Yes, I went out then.

Q. You didn't see the defendant leave the house before you left? A. No. He went upstairs about the same time Ed went up.

Q. And then you went out? A. Yes.

Q. Just a few more questions. Your sister is heiress to a fortune? A. Yes, that's so.

Q. When is she to receive this money? A. When she's thirty — or when she marries.

Q. Whom did she get this inheritance from? A. From her Aunt Anna — one of my mother's sisters. My mother didn't leave much money, when she died. But a few months after mother passed away, Aunt Anna died, in Rochester, New York. She left a large sum for Betty. Dad's trustee for it now.

Q. And in addition to that, she already has a small inheritance from your mother — outright? A. Yes. But that's only a few thousand dollars.

Q. Whomever she marries, then, will have a very wealthy wife? A. Yes.

MR. COLLINS: Thank you. Your witness, Mr. Strong.

CROSS-EXAMINATION BY MR. STRONG:

Q. Do you know Ziggi's Florist Shop at the corner of Lexington and Seventy-fourth Street? A. Ziggi's? Why —

MR. COLLINS: I object. No one has mentioned anything about a florist. What has it to do with this case?

MR. STRONG: I'll make the connection quite clear in due course, if your Honor will allow.

MR. COLLINS: If he's allowed to bring in everything he thinks should be

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considered, this may become a trial *in perpetuum.*

THE COURT: I'll overrule the objection, at least until I know what direction these questions are going to take.

Q. Do you know of such a store? A. Yes, I do. I buy flowers there occasionally.

Q. Did you have occasion to go into this store on the walk you took, that evening previous to the discovery of the crime?* A. Yes. I — I did.

Q. Why was that? A. To buy some flowers.

Q. For whom were they? A. Well —

MR. COLLINS: The People object. These questions have no bearing on the case.

THE COURT: Overruled. The line of questioning appears to be bringing out pertinent material.

Q. For whom were the flowers?

THE WITNESS: Is it required, your Honor, that I answer the question?

THE COURT: The witness must answer.†

A. All right. It was for a friend of mine — Daphne Borden.

Q. Miss Daphne Borden. Where does she live? A. On Park Avenue near 57th Street, with her family.

Q. That night before the murder, then, you sent her flowers? A. Yes.

Q. Why? A. Because I — I quarreled with her, when we were coming back. From the golf.

Q. What did you quarrel about? A. It was just a trivial quarrel — she wanted me to get a job quick — I told her I would if I found the right one —

MR. COLLINS: Your Honor, why these questions about a trivial quarrel? This witness isn't on trial.

MR. STRONG: It happens that a man is accused of murder and I'm trying to get at the truth.

MR. COLLINS: You forget that it is your client who is accused, not this witness.

THE COURT: Well, I think the witness has gone as far into the quarrel as he needs to go.

MR. STRONG: I merely wanted the whole picture, your honor.

Q. What kind of flowers did you send? A. Gardenias, I believe it was.

Q. You had no date with her that evening? A. None.

Q. You sent a card? A. Yes, of course.

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* There was a long pause before young Van Eyck, white-faced, answered that question, a pause during which the packed courtroom was deathly still. J. M.

† The chief importance of the questions about the flower episode came from the fact that young Peter had omitted the story in direct examination. Since he had deliberately withheld part of the truth, even though only a small part, a shadow of doubt was cast over all of his testimony, and his credibility as a witness seriously weakened. J. M.

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Q. What did you say in that card? A. I think I — just said, "Love from Pete." Something like that.

Q. How long did you stop at the florist shop? A. About — oh, about fifteen minutes. Maybe half an hour. I wanted to pick out a nice corsage.

Q. Does your family know this girl? A. Yes. I'm afraid Dad doesn't very much approve. Thinks I might get too serious.

Q. Why didn't you tell us about this when you were questioned by the district attorney? A. I didn't want to drag her in it. There's enough trouble — publicity — already.

Q. That was why you didn't mention the florist? A. Yes. I wanted to keep her out of it.

Q. You left the truth unmentioned, skipped over the facts, in order to protect someone else, is that it?* A. Probably that's what I did. I haven't much experience in court business.

Q. Never mind all that. You left out an important fact, for your own good reasons. You can tell us yes or no whether that's true or not. A. I — all right, yes.

Q. When you entered the death room, did you touch the doorknob? A. How else could I open a door closed tight?

Q. You touched the knob? A. Yes.

Q. Did you ever discuss with Mr. Doon your sister's approaching marriage to the murdered man? A. I made a point of staying off that subject. Betty's affair, not mine. I didn't want any part of it. I heard Ed and Vinnie hot at it often enough — but I didn't take part.

Q. You approved of Hallett as a future brother-in-law?

MR. COLLINS: Objection. The question calls for an opinion from the witness. It is a deliberate attempt by the defense attorney to prejudice the jury.†

MR. STRONG: Your Honor, it appears to me that the question is one of fact, since it shows the state of mind of the witness. Either he did approve or he didn't. His approval may have come from his opinion, but the approval is a fact in itself.

MR. COLLINS: The attorney is trying to draw a red herring —

THE COURT: Approval or disapproval may be regarded as a factual issue. I'll allow it. Objection overruled.

Q. Did you or did you not approve of your sister's proposed marriage? A. I did approve.

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* On the surface, Strong appeared relaxed — almost casual — as he asked these questions. But I knew from the way he gripped the lapel of his coat, and the firm overtone in his voice, the depth of his determination to get the truth. J. M.

† The courtroom feud between Strong and Collins dated back many years to the time when Strong beat Collins in the "Sonny" Magda kidnaping. Since then, their meetings were marked by frequent verbal clashes. The men were so different that they seemed to approach life from two opposite points. J. M.

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Q. You did not like having Doon in the house? A. No, to be frank, I didn't. I didn't think it was good.

Q. Did you ever let Doon know your feelings? A. I told him once that he must feel like a fifth wheel. That was the only time I came close to talking to him about the marriage.

Q. You testified that Hallett often received phone calls late at night. Did you ever answer the phone yourself, when it rang late? A. No, Dad did. That's why we had an extension put up in Ed's room— so Dad wouldn't have to get up and answer the calls.

Q. But you don't know who they were from? A. Ed told us they were business calls.

Q. How late did they come? A. Twelve or one in the morning.

Q. And he never explained them further? A. Never. I often wondered about them.

Q. You said in direct examination that Hallett was hard to be a friend to, is that correct? A. I didn't use those words. He was all right. As he grew older, it seemed to me he grew somewhat — well, stuffy. Always wore the right clothes. Punctilious. I can't remember seeing him when his hair wasn't carefully combed. Always said just the proper thing. But once he started on a job, once he made up his mind about something —

MR. COLLINS: Your Honor, I have been patient but this sort of thing is going too far. This isn't testimony, it's character analysis, divination, reading the mind of a dead man.

MR. STRONG: May I point out, your Honor, that the causes of this crime may lie in the character of the dead man?

MR. COLLINS: From the way my brother goes at it, I'm beginning to think we're trying the wrong person. We should have indicted the victim.

THE COURT: Objection is sustained. Strike out all of that testimony. It is obvious that it is all mere opinion.

Q. You told the district attorney that your sister is heiress to a large fortune, isn't that so? A. Yes.

Q. To be counted in the millions of dollars? A. No, not anywhere near that much. But I don't know how much it is.

Q. Your aunt left it to her? A. Yes.

Q. She also has an outright inheritance from her mother? A. That was too small to matter — only a few thousands.

Q. The money from your aunt is in trust with your father? A. Yes — until Betty marries.

Q. In case she should not marry? A. Dad remains trustee until she's thirty.

Q. And in case she should die — at some time — without marrying, to whom would the money go? A. To me.

Q. You know these rather involved arrangements, but you don't know how much the fortune is — is that what you are telling us? A. Not exactly.

Q. What do you mean by "not exactly"? A. I mean that I don't know exactly how

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much it is. I never asked — no one ever told me.

Q. You knew there was a possibility that you might inherit a fortune — but you never bothered to find out how large that was — is that what you are telling us? A. Yes.

MR. STRONG: Well, I think that will be all, Mr. Van Eyck. I have no more questions.

(Witness excused)

THE COURT: I believe we will not start another witness until after lunch. Gentlemen of the Jury, I wish to warn you not to speak to anyone about this case, nor allow anybody to speak to you about it, or to speak of it in your presence. Furthermore, according to law, I must ask you to refrain from coming to any conclusion as to the guilt or innocence of the defendant, until the case is finally submitted to you by the Court. The reasons for these admonishments, which by law I must give you before each recess, are obvious. It is only fair play to both sides.

(A recess was taken until 2:15 o'clock p.m.)

AFTER RECESS

LIEUTENANT WILLIAM WEST OF THE HOMICIDE SQUAD, NEW YORK POLICE DEPARTMENT, MANHATTAN, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. Your name, please? A. Lieutenant William West, attached to the Homicide Squad, New York Police Headquarters.

Q. On the morning of April 9th of this year, did you have occasion to go to the house at No. 84-32 Fifth Avenue? A. Yes, sir, I did. As a result of information received in a phone call to the department from a man who said he was Peter Van Eyck of that address, I went to the house with a squad of men. We arrived at approximately 9:35 a.m.

Q. Tell us what you found there, Lieutenant. A. I and the men — there were five in addition to myself — arrived at the residence and rang the doorbell. A woman dressed in the uniform of a maid answered. We were in plain clothes and we showed her our badges. She let us in. Couldn't see for a moment in that front hall there — the place was dark, lugubrious, I'd call it. It's a fairly large hall, with a black and white square carpet, and a large, white marble table on one side, with a lamp on it and a mirror with a great golden frame over it. I was about to tell the maid we'd come there to investigate trouble. A young man also was in the front hall — he was the one who just

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finished testifying, Peter Van Eyck. He said: "You're officers?" I told him we had come from Headquarters. He said: "It's upstairs. Top floor — top floor." He led the way. We went on upstairs to the top floor. Several members of the household were there, out in the hall, one of them being the defendant there, Vincent Doon. One of them who identified himself as Richard Van Eyck walked on down the hall, which was lighted by two side-wall lights, to the front part of the residence, that part which faces on Fifth Avenue. There were two doors there. One of the men waiting there told us it was the room on the right. I didn't need to be told. I saw at once the form of a man lying on the floor. The form was on the stomach, but the head was twisted so that it faced the door. The throat was slashed. The eyes were open. The mouth was twisted as in a grimace. There were crimson stains on the rug. There was a chair near by, and a desk. On the desk were a number of papers, which I did not at the time inspect. Sticking out of the man's back was what looked like the end of a knife.

MR. STRONG: Just a minute. I object to that kind of testimony. The officer is not supposed to tell what he thought something looked like. That's an opinion —

THE COURT: Objection sustained. Strike it out.

Q. You saw something sticking from his back? A. Yes. I could just see the top part of a shiny blade of some kind, and the handle it was attached to. It was a carving, the carving of a man's head. I bent over it, to see what it was. It was a man's face, all right. But it was a wrinkled man's face. And the mouth was open. And — the eyes were, they were so small, but they seemed to stare, too. Like the form on the floor. I saw at once it was a case for the medical examiner. I ordered one of my men to go downstairs and call Headquarters, to inform them of what had happened and ask for help. I made a preliminary examination of the room but saw no further obvious clews except a small pile of ashes in the fireplace. I left those, however, for the examination of technical experts. I then proceeded with a routine questioning of all persons in the household. The household was, of course, in confusion, and I proceeded as carefully as possible. The victim was identified to me by members of the household as Edwin Hallett.

Q. Where did your questioning take place? A. In the living room, on the second floor. I kept the witnesses apart, each under watch of an officer, questioned them alone, one at a time.

Q. Of course, you can't tell us what they told you — that would be hearsay evidence. But you can tell us what the defendant told you, if you took a statement from him. A. I did.

Q. Tell us the circumstances under which you talked with him. A. Experts from police headquarters arrived — fingerprint men, photographers, ballistics. Dr. Joseph, the medical examiner, also arrived. After he pronounced the victim dead, I decided to begin my interrogations, leaving the others to carry on the investigation in the death room. It was then that I went downstairs.

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Q. Did you make notes on their answers? A. I had a police stenographer who took down their statements verbatim.

Q. Lieutenant, I have here a statement typewriten, signed with the name Vincent Doon. I am going to read this to you, to have you verify that this is the statement he made in your presence. A. Very well, sir.

THE COURT: Has the defense any objection to the admission of this statement as evidence?

MR. STRONG: Mr. Doon informs me that he did give the police a statement, which he signed. If this is that statement, we have no objection, your Honor.

THE COURT: Proceed.

MR. COLLINS: It read as follows:*

STATEMENT OF VINCENT DOON

I didn't commit this crime. I have no idea who did. I am at a loss to tell you how or why it was done.

Some time ago, in Boston, I met, and — perhaps unfortunately — fell in love with Betty Van Eyck. I knew, or rather, thought I knew, that she was also in love with me. I may have been mistaken. When she was in Boston, I went out with her several times. She told me then that although she had promised to marry Edwin Hallett, she did not love him, did not actually want to marry him. She also told me that she thought I was the only person she might ever really love. I believed her, and also believed that her doubts and uncertainties were natural doubts of any young girl of similar circumstances.

Before she left to go to New York, she told me that she was afraid of something. She didn't tell me what, wouldn't tell me. She said she didn't understand it. It worried me. I had a feeling that she was in actual physical danger, yet I could not know from what source that danger came.

After she left, I received several letters from her, letters that seemed so utterly different from what she was really like that I couldn't believe my eyes as I read. I put that together with her statements that she was afraid of something, and decided that she ought to have a friend, someone who loved her yet was beyond the pale of her particular environment and the people who moved in it. I received a final letter from her, stating that I should regard our friendship as finished, and please not to bother her any more. I couldn't understand why she did that. I knew that if she were in any danger, I could help, and that if the whole idea of danger was merely my imagination, I would at least be fighting for the girl I loved.

So I came to New York. That excuse about her having on one occasion invited me to

* The statement was introduced later as People's Exhibit No. 1. However, I am including it here, when Collins read it, so that the reader may follow the evidence chronologically, exactly as did the jury. J. M.

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stay at her house, if I came to the city, that was not an entire fabrication, because she had issued that invitation, even though she had not really meant it. It had been merely a light, thoughtless invitation, the kind which is given many times and rarely fulfilled. It was a dodge I used for getting into her home. And that was all I cared about.

Now, with a man dead, it may look bad for me to say that. But I'm telling the truth, the whole story.

I knew I loved her. I thought she loved me. I didn't think she loved Ed Hallett.

It didn't work out the way I had expected it would. On the surface, at least, I couldn't see anything wrong, anything for Betty to be frightened of. And Betty was very cold toward me. She made me feel, the whole family made me feel, that I was a definite intruder. She was warm in her demonstrations of affection for Hallett. I don't deny that it made me jealous. It would make anybody jealous, any normal man.

Frankly, I believed she was too free a spirit for a man like Hallett, who was tied, and proud of it, to the strings of convention. He had a tailor-made face — the clean-cut, well-groomed, up-and-coming broker. But as a painter, I looked below the surface — I saw the hypocrisy of him.

Betty wanted to be free. Hallett, like almost everything in Betty's environment, was the slave of custom and code. But if Betty loved him, I couldn't hope to change fate itself. Certainly, I wouldn't try to win her hand by murdering the man she loved.

I knew I should have left. I knew it almost from the moment I got there. But I kept hoping, hoping against everything that she would show toward me some of the feeling she had shown toward me in Boston. I kept hoping that she would come to me and explain.

Of course, she didn't. Whatever was behind it all, it was too strong for me to overcome. At last, I began to realize that. I began to realize — or rather to believe — that there was nothing she had to be afraid of, that I had been letting my imagination run loose because of her chance remark that she was afraid. Betty had an imagination, I realized. Betty is one of those deeply emotional persons who sense little things more than ordinary individuals, a young, sensitive girl, with the heart of a poet. That was why I loved her.

Time went on — those days, which for me dragged and dragged. I was rarely alone with Betty — she managed to prevent that. But once, one evening when we did have just a moment alone — she kissed me. I didn't understand it, I still don't.

That was the only time there was any warmth. I became convinced that she was really in love with Hallett. I went to him and told him that. I told him — it was rather an emotional scene, I guess — that I wanted more than anything else for Betty to be happy. I told him that if he loved her, and she returned that love, I would back out of the picture at once, and for good and all.

He seemed pleased. He said he felt I was barging in where I wasn't wanted, but he admired my courage. He said he admired a man who fought for what he wanted. So we talked pleasantly. I said I was beginning to believe I ought to get away some-

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where. Oceans away.

A few nights ago, I mentioned at the table at dinner that because of my membership in the Artists Association, I could get some bargains in hand-carved desk sets and paper cutters at a store in New York, Rivolli's, on Madison Avenue. I had seen the ad in the *Art News*, a magazine I take, that association members could receive reduced rates if they had the ad with them. I just mentioned it in passing, I didn't think, anyone would care about them. But later, Hallett asked me if I thought they were good. I said yes, they were hand-carved sets, and I could get a thirty-three per cent discount. He said: "See what you can get in the way of a paper cutter. I want it for a special purpose. Something unusual."

I said all right. I'd be glad to. The next day — that was yesterday — I went down to this store — Rivolli's, on Madison Avenue — and purchased the knife. I picked out the carving of the old man because he was supposed to represent the typical philosopher. It was most unusual and interesting. That was what I saw in Hallett's body this morning. I had given it to him when I got home, around five o'clock in the afternoon. The last time I saw it, it was on his desk.

As for last night. We were all at dinner. Nothing seemed out of the ordinary run of talk.

After dinner, Peter said he was going out to look for a good movie. I went to my room, lolled around for a few minutes, decided to go for a walk, it being spring. It was a trifle showery, but it was fresh.

I walked a long time. I did a lot of thinking. I was feeling pretty miserable. I was realizing what a fool I'd been to come to New York in the first place, what a fool and what a boor. I determined to leave the next morning. What time it was when I got back, I don't know. Late. About eleven-twenty. Hallett's door was closed. There was one side light on in the hall — it was dim. I went straight to my room, closed the door. I didn't want to see anyone. I got undressed, got into bed. Did a little reading — an article in *Liberty*. A little before midnight, I heard the phone ring in Hallett's room. I heard Hallett — I recognized his voice because it was so deep — answer the phone, but the words were too muffled for me to hear what was said. I am positive it was his voice, and I know that about five or ten minutes later, the clock on the mantel pinged out midnight.

But I didn't actually pay much attention to the phone call, and I dropped off to sleep in a few minutes — how many, of course, I can't say.

In the morning, I was awake only a little while when Peter Van Eyck started pounding on the next door. I got up to see what the trouble was. Then we went in and found the body. I was dreadfully upset, naturally. Much more so when I recognized the weapon as the paper cutter I had purchased on the previous day.

We went to the stairs and called the others. Peter, at the order of his father, went down to call the police.

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That is all I know. I have given this statement of my own free will, without any force or duress of any kind.

(*signed*) Vincent Doon
April 9, 1940.
New York City, N. Y.

Q. This is the statement made to you by the defendant? A. Yes, sir.
MR. COLLINS: I now offer this statement in evidence.
(Statement received in evidence and marked People's Exhibit No. 1.)
MR. COLLINS: I have no further questions. Thank you, Lieutenant.
MR. STRONG: No cross.*
(Witness excused)

EMIL J. JOSEPH, M.D., RESIDING AT 987 WEST 98TH STREET, NEW YORK, N. Y., CALLED AS WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS: †

DIRECT EXAMINATION BY MR. COLLINS:

Q. Doctor, you are an Assistant Medical Examiner of the City of New York? A. Yes.
Q. How long have you been a doctor of medicine? A. Since 1918.
Q. You are a graduate of Johns Hopkins, is it? A. No, of the McGill Medical School.
Q. Excuse me, McGill University? A. Yes.
Q. How long have you been attached to the Medical Examiner's office? A. Since 1930.
Q. One of your duties is to investigate unnatural deaths, and to give the causes thereof? A. Yes.
Q. Were you, on the morning of April 9th, this year, called to the house at No. 84-32 Fifth Avenue? A. I was.
Q. Tell us what you found there, please. A. I was admitted by a maid of some kind. A man dressed as a butler appeared, took me to the top floor of the residence. He led me to a room facing the front. There are two rooms on the front, with doors facing at the end of the short hall. This door was the one on the right. On entering, I saw a body lying on the floor. The body was that of a man about five feet ten inches tall. Rather heavy built. Dark eyes and hair. Not much evidence of a protracted struggle — as the

* Legal jargon, meaning "no cross examination." J. M.

† Dr. Joseph is one of my close friends. His work as Assistant Medical Examiner has brought him in touch with so much tragedy that it has developed in him an infinite kindness for humanity, which he hides under a gruff exterior. J. M.

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hair was hardly mussed. Full face, clear complexion. Rather wide shoulders, probably giving him a somewhat stocky appearance. After a brief examination, I pronounced the man dead. The throat was slashed, and from the size and shape of the wound on the neck, I judged it was made by the weapon which had been plunged into his back. Following this brief examination, I ordered the body removed for autopsy, after the police photographers had finished with their investigation.

Q. Did you perform the autopsy? A. I did.

Q. Can you tell us the results of that? A. It showed that death was caused by the severing of the jugular vein, by a weapon large enough to make a wide, gaping wound, presumably the weapon I spoke of earlier, found in his back.

Q. Death was hastened by the wound in his back? A. Yes. The wound in the throat induced unconsciousness within a few seconds. But the victim, though unconscious, was not yet dead. The weapon was then plunged in the back. This second wound might not have been fatal in itself — but, combining with the throat wound, brought on death within a few minutes. Vessels near the heart were severed — *

Q. Were you able, from the position of the body and of the wound, to reconstruct the way in which the murder happened? A. Yes. It is evident that he was seated in the chair, that someone entered. As Hallett turned, the killer brought down the knife swiftly, slashing the throat. He slumped forward, slipped to the floor.

Q. Were you able to establish the time of death? A. Yes. From the temperature of the body, and the even temperature of the room, the windows being closed, I placed the death at approximately 11:20 p.m., the previous night. Moreover, on the man's wrist was a watch which was broken, apparently in the fall to the floor. This watch was stopped at 11:16. As this gave us a confirming hour, I placed the death as between 11:00 and 11:30, on the official record.

Q. Any possibility of suicide? A. He could not have plunged the knife into his own back.

Q. There was considerable bleeding? A. Considerable — from the throat. It spread to the carpet and over the victim's clothes.

Q. Is there any possibility that death occurred — could have occurred — as late as 11:45? A. Well, of course, there is a possibility, but it is very slight. Death occurred before 11:30 in my estimation.†

Q. Then it would have been impossible for Hallett to receive a call at 11:45? A. Unless you want to believe that a corpse — a dead man — can talk over the phone.

Q. Look at this knife, Doctor. Was this the weapon you took from his body? A. Yes. That is the identifying tag I placed on it myself.

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* I have taken the liberty of cutting most of this extremely medical and technical testimony. The weapon entered on the right side of the back, far enough to the side to miss the shoulder blade. Loss of blood at the throat, however, appeared to be the chief cause of fatality. J. M.

† The opinion of a qualified expert, such as a physician, on his own particular subject, is permissible in testimony. J. M.

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MR. COLLINS: I'd like to introduce this in evidence.

(There being no objection, the knife was received and marked People's Exhibit No. 2.)

MR. COLLINS: I think that will be all now. Thank you, Doctor.

CROSS EXAMINATION BY MR. STRONG:

Q. Doctor, would such a blow as was struck require much strength? A. No. Not more than that possessed by the average man.

Q. Or a strong woman? A. Yes.

Q. Would she need to be a tall woman? A. Not necessarily. The wound could have been made by a short person since indications are that the victim was seated at the time of the assault.

MR. STRONG: No other questions. Thank you.

(Witness excused)

JOHN A. SULLIVAN, OF THE DISTRICT ATTORNEY'S OFFICE, 137 CENTRE STREET, NEW YORK, N. Y., CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are attached to the District Attorney's office, Mr. Sullivan? A. Yes.

Q. On the morning of April 9, were you called to the house at No. 84-32 Fifth Avenue, opposite Central Park? A. Yes, I was.

Q. For what purpose? A. I made diagrams and photographs of the house.

Q. Are you a civil engineer? A. Yes.

Q. A graduate of what college? A. Manhattan.

Q. How long have you been attached to the District Attorney's office? A. Ten years.

Q. It is part of your duties to go to places where people meet death by violence, and to make diagrams of these places? A. It is.

Q. And did you make measurements of this house on April 9, measurements from which you subsequently made diagrams? A. Yes. I made the measurements and photographs on that morning of April 9. The diagrams I made on April 12.

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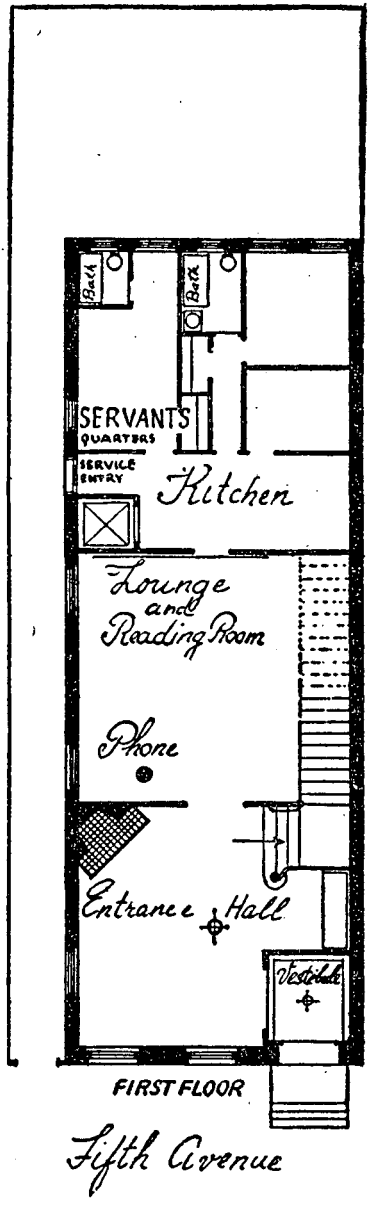
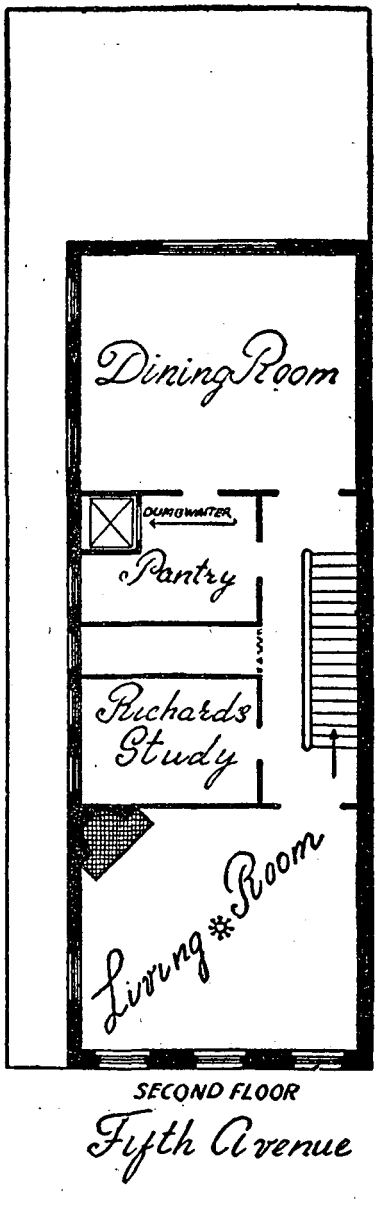


PEOPLE'S EXHIBIT NO. 3



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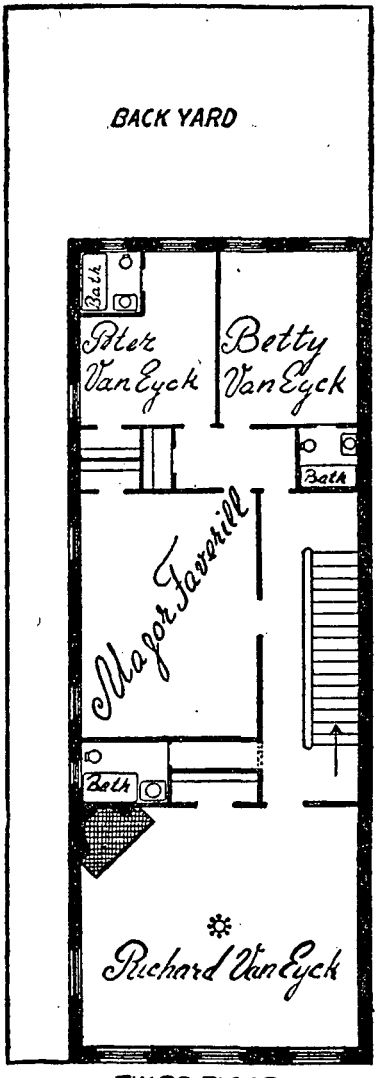

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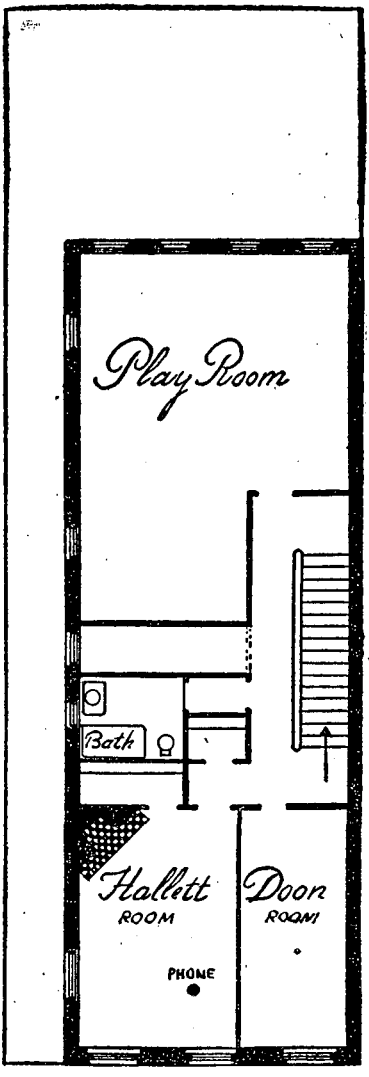

PEOPLE'S EXHIBIT NO. 6

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Q. And are these the diagrams you made? A. Yes, they are.

MR. COLLINS: I offer these in evidence.

(There being no objection, the diagrams were received and marked People's Exhibits Nos. 3, 4, 5, 6, respectively.)

Q. You are also official photographer for the District Attorney? A. Yes.

Q. And did you also make photographs in the house? A. I did. I made photographs of the body of a white man in the front room on the top floor. The assistant medical examiner later informed me that this was the body of Edwin Hallett, who had been murdered.

Q. How many pictures did you make in all? A. Well, I wouldn't be able to tell that exactly. I made the pictures of the body from several angles, and also of the room itself.

Q. Are these pictures which you made at that time? A. Yes.

Q. They were made on the morning of April 9? A. Yes, sir. About eleven o'clock.

MR. COLLINS: I offer these in evidence also.

(There being no objection, the photographs were received and marked People's Exhibits Nos. 7, 8, 9, 10, respectively.)

MR. COLLINS: That's all.

MR. STRONG: No cross.

OFFICER REGINALD H. BLUMSTEIN, OF THE HOMICIDE SQUAD, NEW YORK POLICE DEPARTMENT, MANHATTAN, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:*

DIRECT EXAMINATION BY MR. COLLINS:

Q. In your investigation of the murder room, did you find any clews beyond those already mentioned here? A. I did. At one corner of the room is a fireplace. It's a real, workable fireplace, not one of those imitations. Most New York houses got just imitations, this was real. So I took a look. There were some ashes there. I examined them carefully. Most of the ashes were only half burned — part of a newspaper — the *Herald Tribune*, I could read it, in part. But then we also found something there which interested me more. That was a bit of cloth. Most of it was all burned. But

* In much of the testimony of the police officers, I have taken the liberty of cutting out those portions which are merely repetitious. J. M.

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the corner was all right. It was more than the corner, really, it was about three inches on all sides, triangle-shaped. And on it was a big initial — the initial "D."

Q. I have here a package I wish you to identify. Wait until I undo this. Now — was this the edge of the handkerchief you found? A. Yes, that's it all right.

MR. COLLINS: I'd like to introduce this into evidence also, your Honor.

(There being no objection, the handkerchief was received in evidence and marked People's Exhibit No. 11.)

Q. What part of the fireplace was this in? A. Well it was to one side, the edge that wasn't burnt at all was sort of sticking out by itself. It was so far out that the flames missed it.

Q. Anything else of importance in your examination of the room? A. No, nothing.

MR. COLLINS: Very well. Thank you.

CROSS-EXAMINATION BY MR. STRONG:

Q. You say the edge of the handkerchief stuck out of the fireplace. Exactly what was its position? A. Well, it was at one side of the fireplace, that part of it jutting out around the side. It was away from the rest of the ashes.

Q. But it was on the floor, it wasn't sticking up, just out? A. Yes, sir, it was down on the floor of the place.

Q. Any andirons in the fireplace? Or pokers? A. No, nothing like that at all.

Q. No logs or anything like that? A. None.

MR. STRONG: All right. That's all.

(Witness excused)

PATROLMAN RICHARD T. McLEAN, OF THE HOMICIDE SQUAD, NEW YORK POLICE DEPARTMENT, MANHATTAN, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are one of the investigating officers of the Homicide Squad, Officer? A. Yes, that's right.

Q. You assisted in the investigation of this room in which the body was found, on the morning of April 9, 1940? A. Yes, sir.

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Q. Tell us what you found, please. A. Well, my chief purpose is to corroborate th testimony of my partner, Patrolman Blumstein. We work together.

Q. Were you present during the discovery of the ashes in the fireplace? A. Yes, sir I seen when he found the handkerchief.

Q. You also can identify this corner of the handkerchief, with the "D" on it, this par that wasn't burnt? A. That's the handkerchief, all right, what was left of it. That's th part that was sticking out of it. The odor's gone, but it's the same one.

Q. Make any other notes? A. No. Except that the windows was locked, and the odor the stuffiness.

Q. The windows were closed and locked? A. Yes, sir. I looked myself.

MR. COLLINS: That's all.

CROSS-EXAMINATION BY MR. STRONG:

Q. You say there was an odor in the room? A. Yes, sir.

Q. No one has mentioned that before. What kind of odor? A. Well, you see, I—odor are my hobby.

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Q. How do you mean? A. I make a specialty of odors, of telling them apart. I do it as a hobby. Telling smells apart.

MR. COLLINS: I object. Counsel is attempting to drag into this something that has no bearing on the case, and which was not even discussed in direct examination.

MR. STRONG: He mentioned the odor when you were questioning him.

THE COURT: The witness did speak of the odor in the room in direct examination and counsel has the right to question him on it. Overruled.

Q. How long have you been at this hobby? A. More than twenty years. I often help out in the department, if they have any problems involving smells.*

THE COURT: (Gavel) Spectators will please remember this is a court of law. We will not tolerate levity.

Q. What did you mean when you referred to the odor in the room? A. I didn't notice it when I first came in there. The first thing I smelled was death. You can always smell death. And blood. Blood has a smell, too.

Q. But what was the other odor you spoke of, in connection with the handkerchief? A. I'm coming to it. I didn't get it until we picked up that end of the handkerchief, the end sticking out of the fireplace. The other part was ashes — that was just a burnt smell. But the end — it wasn't touched by the fire. First I smelled that burnt smell. Then the other.

Q. What was this other smell like? A. The burnt smell was dryish, but that other was different. It was sweet and cool, sickly sweet and cool.

Q. It was sickly sweet and cool? A. That's the way I describe it. It reminded me of perfume. As if the handkerchief had been drenched with perfume.

Q. Ever met with that odor before? A. No. Never before. But I've smelled it since.

Q. Where? A. It was here, right here. In this courtroom. When I was coming in to testify. There was a girl, sitting in the seat right beside the door, in the last row. Right on the aisle.

Q. Point her out, please. A. She's the young lady right — why, she's gone. There's nobody there.†

THE COURT: Order, order. (Gavel)

MR. STRONG: In this noise, your Honor, we can't —

THE COURT: There will be a short recess. Officer, see if you can locate that girl in the corridors.

(After twenty minutes, trial was again resumed, the witness having failed to return.)

THE COURT: As the officer has not come back we will proceed. The Defense,

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* A wave of laughter spread over the courtroom at the unconscious humor in the statement. J. M.

† Every eye in the courtroom turned to the seat to which the witness pointed. You could hear the swift gasp of the spectators. The seat was empty. J. M.

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however, may bring the witness back on the stand, when and if he locates this missing woman.

MR. COLLINS: The officer is a witness for the People —

MR. STRONG: I'm sure you have no objection to the obtaining of the truth. Or to having the truth told.

MR. COLLINS: I made no such implication —

THE COURT: I must again ask counsel not to address each other during the course of the trial. All remarks can be made to the Court. We are attempting to do all we can to aid in the conduct of this trial to the end that justice be done. If there is any way in which a witness can assist, it is his quite obvious duty to do so.

MR. COLLINS: Very well, your Honor.

SERGEANT HERBERT TABOR, OF THE BUREAU OF IDENTIFICATION, NEW YORK POLICE DEPARTMENT, MANHATTAN, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are a fingerprint expert working with the Bureau of Identification, Sergeant? A. Yes.

Q. Will you tell us what you found at the scene of the crime? A. There was a singular lack of fingerprints in the victim's room. None on the murder weapon, none on the telephone. There were badly smudged prints on the inner doorknob — too far gone to be identifiable. The only prints we obtained in the room itself were on the desk and a chair by the bed. They were prints made by the dead man himself. That was all we found — in the room itself.

Q. You did find prints elsewhere? A. Yes. On the outer doorknob. The inner doorknob had some, as I say, but they were too badly smudged to be useful. On the outer doorknob were a number of prints — most of them also badly smudged. But we got two prints which were pretty clear. One was an egg-shaped right thumb whorl. The other was an ulnar loop, little finger.

Q. Were you able to identify these? A. Yes, I was. With my assistant, I made fingerprints of every person in the household, with their permission, of course. That included the defendant. Q. And those on the outer knob were found to be — whose? A. Comparing them with the prints of the family, we found we had a print of Peter Van Eyck's thumb. The little finger ulnar loop belonged to a girl in the house, Nora Avery. This identification was made by comparing the ridges. . . .*

* The Sergeant here gave a description of the means of identifying the prints. It was all technical, of interest only to fingerprint experts, and as it took considerable time, I have excluded it from this record. J. M.

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Q. You found no other prints on the outer knob? A. Oh, there were others there, but they were too badly smudged.
Q. And in the room itself you found no prints except those of the dead man, and the ones of the inner doorknob which were too far gone to be of value? A. That is correct.
Q. How do you account for the presence of the dead man's prints, and no others? A. It would appear that the murderer, or someone, rubbed off all prints from places he touched, but did not rub away prints from places he had not touched. As he went out, however — probably hastily — he forgot that he was handling the doorknobs. Luckily for him, the inner doorknob prints smudged as the knob turned, and other persons' prints blotted out his prints on the outer knob.
Q. It is certainly compatible with the facts to assume that the rubbing away of the prints in the room was a deliberate attempt of the murderer to remove the evidence of his guilt? A. Yes. Quite deliberate.
MR. COLLINS: That's all. Thank you.

CROSS-EXAMINATION BY MR. STRONG:

Q. You say there were a number of other prints on the outer knob? A. Yes, there were others, but we couldn't make them out clearly.
Q. Would you say these prints were all made by the same two persons — Miss Avery and Peter? A. I couldn't say.
Q. Did those prints appear fresh — newly made? A. I couldn't say that, either. Of course, Peter Van Eyck told police he opened the door in the morning, which explains his prints on the knob. And I would say, from a study of what we found on the knob, that his prints were made after those of Miss Avery.
Q. In other words, hers appeared to be under those of Peter Van Eyck? A. It appeared so. But it is a difficult thing to say. I wouldn't swear to it.
MR. STRONG: That's all.

(Witness excused)

MR. STRONG: Your Honor, I am informed that Officer McLean, who went in search of the missing young woman, has returned. I would like to put him back on the stand, if your Honor pleases.

THE COURT: We'd like to hear him.

(Officer McLean, having been already duly sworn, resumed his testimony:)

CROSS-EXAMINATION BY MR. STRONG:

Q. Did you locate the young woman, officer? A. Yes, sir, I did.
Q. Tell us about it. A. Yes, sir. On leaving the courtroom, I searched in the halls, attempting to locate her. She was nowhere to be seen. I went finally to the entrance of the courthouse. As I reached the door, I saw her. Couldn't miss her, with the bright

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violet dress. She was going down the front steps. I hurried behind her. I could have caught up with her at once, but I decided I would see where she was going. It might have been helpful in the case. Well, I followed her for half a mile, more or less, along Broadway. Finally she went into a store. I crossed the street, so she wouldn't notice me. I saw it was a hat shop. Not a big place. Sort of a cut-rate store. I stood there watching, from across the street. All she did that I could see was try on hats. She must have tried on practically half the hats in the store. It seemed funny, her leaving the courtroom, just to try on hats. Finally, I got tired of waiting, watching her take off one hat and put on another.

Q. How long did this take? A. Well, it probably wasn't over half an hour. It just seemed longer. I decided I'd waited long enough. I recrossed the street and went into the store. As I entered, she was saying to the salesgirl, "Thank you very much. I can't find anything that suits. Maybe I'll stop in again." She started to go out. I stepped in front of her. "Just a moment," I said, "I'd like a word with you, please." The salesgirl looked frightened, but I told her it was all right, nothing wrong. I walked outside with the girl. I told her she was wanted in the courtroom — in connection with the Doon case. She went white as a sheet. She asked if she was under arrest. I told her, no, I couldn't arrest her. I had nothing to show she'd committed a crime, and I had no warrant for her. I told her I just wanted to know who she was and why she was in the courtroom. I told her she might be wanted for testimony —

THE COURT: Didn't she return with you?

MR. COLLINS: Your Honor, the People have no interest in this girl. If she is needed for testimony, that won't be until the Defense starts its case.

MR. STRONG: We would like to call her, your Honor, when we present our case.

THE COURT: Very well. I'd like to hear more about it from this policeman.

Q. Go ahead, officer. A. She said she'd be willing to testify if she had to. But not today. She wanted to get home, she was upset. I tried to argue her into coming back, but she knew her rights. She refused point blank. I said all right — but she had to give me her name and address. She said all right, and I wrote it down. It was Miss Daphne Borden, 41-44 Park Avenue. She's a friend of Peter Van Eyck.*

Q. You're sure this was the same girl you saw in the courtroom? A. She still had on that perfume.

Q. After she told you her name, she left? A. She said she was going to her home.

MR. STRONG: Thank you, officer. That's all. Your Honor, we will call this Miss Borden to testify, at the proper time.

THE COURT: Yes. This Court would like to hear her.

MR. COLLINS: No questions.

(Witness excused)

* There was a moment of stunned silence. No one had considered her important in the case. Now, with the perfume testimony, the whole picture was changed. J. M.

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MISS ELIZABETH VAN EYCK, OF 84-32 FIFTH AVENUE, NEW YORK, N. Y., CALLED AS WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. COLLINS:

Q. Now, Miss Van Eyck, I know this is very trying to you. A. It's all right.
Q. You reside at the house where this unhappy crime occurred? A. Yes, I do.
Q. You were the fiancée of the victim? A. His fiancée? Yes. Our engagement was announced in November.
Q. You knew him since you were a little girl? A. I can't remember when I didn't know him.
Q. And last November, a party was held at your home, to announce your engagement? A. Yes.
Q. What is your age? A. Twenty — in February.
Q. When did Edwin Hallett ask you to marry him? A. It was last August. I told my father about it first. I knew that he would want to know. So I asked him. He seemed pleased when I told him about it, acted as though there were no doubt of my accepting. It was — it was a wonderful opportunity. And Ed was confident and secure — and certain we'd be happy. So I accepted.
Q. I am sorry to have to bring out these personal matters. In a murder investigation, unhappy as it is, we must do our job. A. Yes, I understand.†
Q. After your engagement was announced, you began to make preparations for your marriage? A. Not really. We weren't to be married until June. There was plenty of time.
Q. And on that day the body of your fiancé was discovered, you were preparing to have a party of young ladies who were to be your bridesmaids? A. Yes.
Q. For the wedding which now is impossible? A. That's right.
Q. I'd like you to tell us, if you can, what you know of events on the evening before the discovery of the body. A. I wanted to be with Nora that night. Nora Avery, who was staying with me. We had a lot to talk over, you know. There was to be a party, many of my friends were coming there. After dinner, Nora and I went to my room —

* Her face was white and drawn and tired. There was terror in the black, smoldering eyes as Collins came forward to question her. This was the "glamour girl" the papers had been sensationalizing! But there were shadows on her cheeks. And despite the chic costume and Antoine coiffure, despite her almost haughty air, and the way her slender white hands gripped the arms of the chair and the way she stared back at Collins as if, had you handed her a knife, she would have plunged it into him — despite all of this, I knew she trembled and I felt sorry for her. J. M.

† Collins here was playing to the galleries. J. M.

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upstairs on the third floor. We were there all evening. Talking. Old times. Boys we had known in school together. We went to bed about eleven. We put out the lights — talked in bed. Finally, she was quiet and I figured she must have gone to sleep. I dozed off too. It was getting late, I guess.

Q. After midnight? A. I should say about a quarter to, maybe. Around there.

Q. Did you hear any unusual noises during the evening, people coming or going? A. Well, yes. I heard my brother come in — that was about ten. Before we were in bed. I always know him — he comes up two steps at a time. But outside of him, I don't think I heard anyone, really — I didn't pay any attention, that is.

Q. Did Nora leave you at any time in the evening? A. Only for a few minutes — she went out to put back a book. Just before we got into bed.

Q. What time was it? A. About — oh, about eleven-thirty. She was only gone a few minutes.

Q. Did the phone ring at any time during the evening, to your knowledge? A. To my knowledge, no. But it might have rung without my hearing.

Q. How many phones are there in the house? A. Three. That is, it's all the same phone, but there are three extensions.

Q. Where are they located? A. One in Dad's room, that's across from my room, on the front. One upstairs in Ed — Ed's room. One in the lounge room — that's on the first floor.

Q. Wouldn't you hear those, if they rang? A. Oh, no. You see, none of us like the jangling of the ordinary phone. So Dad had a softer bell put in — I don't know exactly how it works, but it makes the phone less harsh. Very often it rings and I won't hear it if I've got my bedroom door closed.

Q. Has there always been an extension in the room Hallett occupied? A. No. Just recently since he moved in. Because of his business. He was doing so much at his work. Often calls came for him at night. To make things easier, Dad had the extension put in. Ed suggested it. It was put in about the fifteenth of March.

Q. When did you learn of the tragedy, Miss Van Eyck? A. The morning they found him. I awakened when I heard someone calling down from upstairs. I knew something dreadful had happened — premonition. I got up. Nora was sitting up in bed. She got up, too. We opened the door — it faces on the hall, you know.

Q. What time was this — did you notice a clock? A. My clock said five after nine. It runs a little slow though.

Q. And after you opened the door? A. I heard everyone talking upstairs. I threw on my dressing gown, ran upstairs. On the top floor — they were all standing around, outside, just outside of Ed's door. My father came up to me. I said: "What is it? What's the matter with Ed?" He told me that something had happened to him.

Q. Did you see the defendant at this time? A. I noticed Vinnie in the background. I told my father I wanted to know what had happened. I had to know. He said it would be all right, and please to go downstairs. He said Ed had met with an accident. I

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pushed past him and then I saw. It was dreadful —

THE COURT: We recognize that it is a difficult matter to control emotions such as these. But it is not easy for any of us here, in matters of this nature. The witness must try to repress these feelings, while she is giving testimony from the stand.

MR. COLLINS: I am sure she'll try, your Honor. Perhaps we are running along too fast with our questions.

THE COURT: Perhaps you are.

Q. Miss Van Eyck, you saw the body of your fiancé. After that, do you recall what took place? A. I know it was dreadful. My father put his arm around me, told me to go downstairs. Someone — I think it was Squires, the butler, led me back to my room. I didn't seem able to think. I paced the floor, trying to make my mind work normally — but it wouldn't. I heard people come in. After a while, Squires came to tell me there were newspapermen outside who wanted me to pose for photographs. I told him to tell them to go away. Sometime later, a policeman knocked. I followed him to the living room where another man talked with me, asked me questions.

Q. Is what you have told us all you know concerning the actual crime itself? A. Yes. That's all. I believe I told the officer about the same. But I was rather upset that day. I may have made some mistakes in what I said.

Q. When did you last see your fiancé alive? A. It was after dinner, on the night of — the crime. We walked to the hall together. He said he was going upstairs to work. That was the last time I saw him.

Q. He didn't come downstairs later, to say good night? A. No. I remember thinking that was strange. Usually, he did come down, when he was working late, and he would knock on the door and if I weren't in bed, I'd go and — tell him good night. Otherwise, he'd just call good night to me. But he didn't do either that night and it puzzled me.

Q. I see. Now, concerning the defendant. When did you first meet him? A. It was in January, the first part of January — in Boston. I had gone to Boston to visit an aunt. She has a home on Beacon Hill, overlooking the Boston Common.

Q. What is her name, please? A. Miss Elizabeth Payne. One of my mother's sisters. I was named for her. Some time ago, another aunt of mine, Anna, died in Rochester, New York. She's the one who left me the inheritance. Aunt Betty has been terribly unhappy — she's the last sister left. I thought my visit might cheer her.*

Q. You knew your aunts well? A. Yes — Anna especially. I visited her often in Rochester. She told me she was leaving me her money. I didn't like to talk about it — but she used to tell me that I'd have a fortune. I wouldn't ever want for anything.

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* Her words rushed on, as though she had dropped the halter and given them their head. The garrulous streak was clearly an offshoot of her own nervous tension. Here, for instance, she was actually answering far more than the question called for. J. M.

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Anna never married. The money came down from her father.

Q. How did you happen to meet the defendant? A. Aunt Elizabeth introduced me to a number of her friends. I was invited to one party in Brookline. That was where I met him. He and I talked a lot at the party, and he asked if he could call to see me. I said yes.

Q. What was your reason for starting this new friendship? A. None, really. I had few friends my own age, there in Boston. Ed had been transferred to Maine in November. He was coming to see me in Boston, but couldn't say just when. Well, when Vinnie asked to come to see me, while I was in Boston, I didn't think much about it. It didn't seem terribly important.

Q. It was casual then? A. I suppose so. Vinnie was pleasant and kindly —

Q. And something new and different? A. Very much. He was reckless — free of worry. He seemed to believe that people should live freely — drink deep, he told me, at that first party. So different from the people I knew — from Ed. Because Ed always told me you had to have standards and always live up to them, no matter what. Vinnie was just opposite. It was interesting, he was unusual.

Q. He came to call? A. Several times. Took me to clubs like the Mayfair and the Ritz roof, out for drives in his car, down to Nantasket, once we went to Concord.

Q. Did he ever tell you he loved you? A. Yes. Once — or twice.

Q. Did he ever attempt to make love to you? A. He kissed me a few times, if that's what you mean.

Q. I dislike to bring this up, but did he ever attempt to — to use the modern phrase — neck?

MR. STRONG: Object. As the District Attorney puts it, the question employs a slang phrase with a low connotation prejudicial to the defendant.

MR. COLLINS: It's a phrase everyone knows. Young people today use it in referring to love-making.

THE COURT: I rule the question out. The phrasing is pure slang, and vague, and not open to interpretation by a jury of ordinary men.

Q. I'll put it another way. Did the defendant attempt to go any further in his love-making than a mere kiss or two? A. Oh, no. It was all very light — and casual.

Q. Did he ever propose marriage to you? A. Yes. Several times.

Q. And your answer to these — what was it? A. I refused him.

Q. Did you tell him about Ed Hallett? A. I said that Hallett and I were engaged, and that I did not feel I could ever marry anyone else.

Q. So you told the defendant you did not love him? A. I — no, I didn't actually. I just wanted to take it all very lightly.

Q. The defendant continued to see you in Boston, even after he knew of your engagement? A. Yes. Vinnie came to see me several times after that. I was only there three weeks.

Q. Then, when you left Boston, you had known the defendant less than a month?

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A. That's right.

Q. You returned to New York, resumed your preparations for your forthcoming marriage? A. Yes. I was just beginning to think about wedding plans. Besides that — I saw Ed on my last week end in Boston. He flew down from Maine.

Q. You told your fiancé about the defendant? A. Surely. Ed knew about Vinnie.

Q. When did you see the defendant again? A. March 26th. He arrived at the house. He reminded me that I had told him if he ever came to the city, to stop with us. He said he was sorry not to give us more notice, but he had to come over unexpectedly. He said he was looking for a job. I didn't know what to do. While I was talking with him, in the living room, Dad came in. I explained it as quickly as I could. I guess Dad couldn't think of anything to do but ask him to stay. We thought it would only be for a day or so, at best. Now — as I look back — I can see how bad it was to have asked him to stay. Even though we didn't like to be rude —

MR. STRONG: I must ask that those last remarks be stricken from the record, as they are opinions which will be prejudicial to Mr. Doon. I object to those remarks in the last two sentences.

THE COURT: Sustained. Strike them out.

Q. It was largely because you did not wish to be inhospitable that you invited the defendant to stay? A. Yes. That was it.*

Q. At this time, where was your fiancé? A. That was the unlucky part. He was staying in the house, too. When his firm shifted him back to New York, he had no place to stay and we invited him, Dad did really, to stay with us.

Q. Did the defendant make any mention of love to you, while he was staying there? A. He spoke to me once or twice. He said his real reason for coming there was to protect me.

Q. From what? A. It may have been some silly remark I made in Boston. I told him I didn't need protection, that I knew my own mind. First, he seemed to doubt me. But in those last few days, he must have changed his mind because he became different. The arguments between him and Ed stopped during the last few days.

Q. Did he explain this to you? A. No. He never even mentioned it.

Q. Miss Van Eyck, between the time you arrived in New York, after the Boston trip, and the time the defendant arrived, did he write you? A. Yes. I received several letters.

Q. In these letters were there declarations of love? A. I believe there were.

Q. And did you at last write that you wished to terminate the correspondence? A. Yes. I told him I was going to be married to Ed and I wished he would cease writing.

Q. Did you receive any other letters from him? A. One more. About two days after I received it — he arrived.

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* At first, Doon had watched her with no hint of his emotions on his face. But as she told this episode, his body seemed to tighten, his eyes stared ahead, a look of dreadful misery was on his face. J. M.

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Q. Look at these letters, Miss Van Eyck. Do you recognize them? A. Why, yes. They're the letters I've been speaking about. They were in my room. I gave them to Dad — after the murder.

Q. Your father turned them over to us. Are these the letters which you received from the defendant prior to his uninvited arrival at your home? A. Yes.

MR. COLLINS: I'd like to introduce them, if your Honor please.

THE COURT: We see no reason for excluding them.

(These letters were received as a single exhibit and marked People's Exhibit No. 12.)

Q. Did you ever hear the defendant threaten the victim in your presence? A. No. I never heard Vinnie threaten anyone.*

Q. Did anyone else ever threaten the victim, that you know? A. Not to my knowledge.

Q. Did you at any time go to the top floor on the evening prior to the discovery of the body — the night of the crime? A. No, at no time. Nora and I stayed in our rooms — except for those few minutes when she was putting back her book.

Q. Did you hear Doon come in? A. No. But — we weren't listening for him, of course.

Q. He might have come in and gone to his room without your noticing? A. Yes, easily.

MR. COLLINS: I'm sorry to have kept you so long, Miss Van Eyck. That's all.

PEOPLE'S EXHIBIT NO. 12

Boston
One of these blue days

Dearest —

You have been gone three hours — they seem ages. I know that sounds trite. All real things sound trite. They have to because they are real and people have been saying them so long — since you were a tadpole and I was a louse, or something like that.

It's an odd world. Only a few weeks ago, Boston seemed a great town. Full of many people, including a few snobs and ostrich-souled leftovers from yesterday. But, in spite of these, I was comparatively happy.

That was before you arrived in my picture. After I met you, I realized that the only place that could ever suit me is where you are. Does it sound strange to read me say that? I've said it often enough.

I can't tell you, darling, how ghastly things seem. You back in New York. And that

* An inner conflict was apparent in her tone as she gave this answer. It was as though she had at last accepted the nightmare of the murder and Doon's arrest as reality, yet still she realized that Doon had not the personality of a killer. This perfectly simple phrase she flung out like a challenge. J. M.

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fellow named Ed. I hate to think. Some day, somehow, I feel sure, all of it will be a different story.

I thought of a picture today. A picture I shall plan a long time, before I paint it. It will be a picture of Grief. Not an old-fashioned allegory. But a woman, a woman nude, who stands beside a tree into which her body almost seems to melt. Like the leaves of the tree, her hair will flow. The sky, in the back, will be a cold green gray, but her body will be warm as the grass around the tree. This may seem slobbery in the telling — but a picture is told in the painting.

Maybe it comes from my own sense of defeat, with you away. Perhaps I am only trying subconsciously to transpose my own emotions to lines and color and form, feelings which can only be expressed in the abstract.

Maybe. After these few weeks just passed, I find it difficult to think in terms of common sense. Pictures keep coming to my mind, pictures I know are only a reflection of my own sensations.

I don't suppose there is any way to tell it. You know what I mean already.

So now I say good night, my dear.

I wonder if you are remembering me at all, if —

Vinnie

The day — brighter

Dearest dear:

Your letter, brief as it was, seemed to change everything. Even though there were so many things you didn't say, it was a word from you. I carry it with me.

I am glad you enjoyed the times we had together. I do not know if I should say it in the same way, for to me it was so much more than that.

It's hard to write. Hard to put into words what I mean, without making it sound foolish. I know only one thing now — that I love you. So much that I cannot bear the thought of your marrying anyone else.

I would have a hard time explaining why, even to myself. You are beautiful, but that isn't the reason. Witty, and gracious, and you love poetry — but none of these explain it. I think it is the combination of these, and your spirit, which is perhaps puzzled at times, but will grow as you grow.

If you feel you must marry someone else, then you must. The most important thing is that you are happy. I pray you will be, whatever you do.

But I know that in those few weeks you were here, I felt as if struck with a bolt of lightning. Somehow, I believe that when lightning strikes one, it strikes someone else, too. But perhaps the wish is father to the thought?

What you tell me about Major Faverill is interesting. The Major sounds like a grand old guy, with all his gay friends. From what you tell me, he and your father have themselves quite a time at their various clubs. I think of all the others in your household, the Major sounds like the one who'd have the most fun on a party.

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I haven't been able to get you out of my thoughts, for an instant, since you've been gone. I seem always to have known it would be you — as though it were inevitable that we meet.

I expected, too, that our romance would be confused, hopeless. Like a story. You know, in every good story, the hero doesn't get the heroine until he has conquered all sorts of obstacles.

I'll always remember Concord, and the restaurant in the haunted house. I don't believe in ghosts, as I told you. Still, I liked the way that man who ran the place said, "Why, there was one here only last night."

I've lived in this part of the world a long time, but that was the first time I ever went to the haunted restaurant.

I seem to ramble. Please write to me soon. Right away, in fact. Tell me about yourself — how you are feeling, what you are doing — whom you are seeing.

Please don't forget me. You mean too much. Much too much.

Ever

Vinnie

Day — gray

Dear:

No letter from you this morning. I waited in the house here for the postman, just on the chance. You have been gone now almost a week, and I've had but one brief note in all that time. Won't you please let me hear from you?

It is hard to sound sensible and logical and all that when you feel the way I do. I know it doesn't make sense. Curiously, love is one of those things which glories in not making sense. The wrong people always fall for the wrong people, and they fall for someone else. Everything gets immeasurably mixed up. I sometimes think that life is a series of difficulties, with love at the top of the list.

But all of this is only my loquacious way of pleading with you — please do write to me.

I pray that I will hear from you —

Vinnie

Thursday

Dearest Betty —

I hardly know what to write, now that I have heard from you. It was so short, almost curt. Those phrases like "thank you for the kind letters" and "I have been busy" — they didn't even sound like you. And your: "It would take too long to explain." What do you mean by that?

Maybe it is none of my business. Maybe I am stepping in where I have no right. But I think I have a right because I happen to be in love with you. I happen, also, to want your happiness. I don't believe that you can be happy now — I don't believe it. There is something in your letter — an overtone —. Mere security — Hallett might

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offer that — but it isn't enough. You — all of us — must dare try for happiness.

Whatever is wrong, I want you to know that you have my love — and also my friendship. I mean this. If you need help, please let me know what is the matter.

I still hope that some day, you and I will be — closer than we are now. I still hope that there is to be that happiness for me — and I would try so desperately to make you happy.

But whatever it is now, please let me help you. I will be so glad to help —

My love —

Vinnie

Friday

Dear —

Your latest — as you say, your final — letter, has arrived. Brief — cold — incredible. It leaves me unable to think in any straight line. The world is jaundiced. I have the feeling that a thousand little devils are running around me, making arrangements for disaster.

I guess I should hie me to the nearest brewery to drown my grief. But I don't enjoy running away. I'd rather stay close, I'd rather try to find the answer.

You did not — in your letter — say that you did not care for me. You never said that, in fact. It is as though you cannot deny it.

So I read your brief note, stating that I must stop writing you — a "cease and desist" order — with a strange feeling I don't understand.

I can assure you of one thing. I will not allow you to throw your life and your chance for happiness away. Not for money, or greed, or family or anything else.

And I still — and will always — love you.

Vinnie

(At the conclusion of Elizabeth Van Eyck's direct examination his Honor called recess until tomorrow morning at 10:00 o'clock, again instructing the jury, according to law, not to discuss the case, or to form any opinions.)

PEOPLE vs. VINCENT DOON

NEW YORK, SEPTEMBER 24, 1940

(*TRIAL CONTINUED*)

Appearances: Same as heretofore noted.

(Miss Van Eyck continued her testimony.)

CROSS-EXAMINATION BY MR. STRONG:

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Q. Miss Van Eyck, you have told the court that you knew the victim all his life, practically, and that you intended to marry him? A. That's right.

Q. You did not say whether or not you loved him. Did you? A. Suppose I did.

Q. What did you mean by that? A. (No answer.)

Q. What did you mean? A. Oh — love and marriage are two different things. Ed was a fine person, he had a wonderful future — he was kind —

Q. There are plenty of young men with similar recommendations. Such items don't constitute reasons for marrying a man. What was your real motive? A. It's simple, isn't it? He loved me, I — I cared for him. Isn't that sufficient?

Q. If true. Are you sure you loved him? A. A woman is never sure of things like that. I had my doubts, maybe, and then they would go away.

Q. Could you be more explicit —

MR. COLLINS: I object to this line of questioning, as immaterial and irrelevant to the murder of Ed Hallett.

MR. STRONG: The defense believes that the emotions of the persons involved in this crime, your Honor, may provide the key to its real solution.

MR. COLLINS: We're not interested in every emotion of every witness here. This is a court of law. The only point at issue is whether or not he committed the crime. This emotional approach is only an attempt to becloud the real issue under a mess of half-baked socialistic theories such as my opponent is so fond of.

THE COURT: I believe that the emotions of the witness may have some importance in the crime. Objection overruled.

Q. Since you were so doubtful, how did it happen you were marrying him? If you did not love him —

MR. COLLINS: She didn't say she did not love him. Don't put words in her mouth.

THE COURT: Yes. All she said was that she sometimes doubted that she loved him. Many young women are like that. They won't know if they're doing the right thing or not, up to the moment of the ceremony.

MR. STRONG: In this instance, your Honor, may the defense point out that this girl actually struck up a new friendship, which developed into a romance, after she had accepted the proposal of another?

THE WITNESS: Well, I had a perfect right —

THE COURT: These doubts are only important as they pertain to the actual crime, and counsel will have to show that they do bear on the murder itself. Proceed.

Q. Very well. You do admit that you had these doubts? A. I admit it. But I felt the marriage was the best thing.

Q. Best for whom — for what? A. For everybody. He was a man of my own station in life, I had known him for many years, he loved me — these were some of the reasons.

Q. Had you decided where you would live after your marriage? A. Dad was letting us

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have the New York house. I didn't like the idea but he was insistent. Said a good front was good for Ed. But Ed and Dad didn't think relatives should live together — and it probably meant the others would move out.

Q. Where would they go? A. Oh, it was all unsettled. I wouldn't have heard of it — but Dad was so insistent we make it our home.

Q. In one of the letters the defendant wrote you, he mentions that you did not say you did not love him. Was he correct? A. I didn't want to hurt him.

Q. You liked him well enough not to want to hurt him, is that it? A. Oh, yes. He seemed a very pleasant person.

Q. You've read his statement, that when he took you out in Boston, you appeared to care for him? A. Yes. He — I don't deny I liked him. He was so kind, he seemed to understand things.

Q. On that first day with him — where did you go? The first time he called? A. It was to that house in Concord. An old haunted house, turned into a restaurant. He called for me in his car — it's an old Ford. He wore a brown suit and a dark brown hat. Looked very much like an artist. He was attentive.

Q. How were you dressed? A. I was wearing the French blue —

MR. COLLINS: Your Honor, I object. What possible connection can her dress on that date have with who killed Edwin Hallett?

THE COURT: Sustained. Strike out the question and answer.*

Q. What did you talk about? A. Oh, everything. Poetry, philosophy, writing. I've always been interested in writing. Vinnie told me about Thoreau, who had lived in Concord. I enjoyed it because I hadn't met many men who knew as much about it as he did.

Q. I see. After that — after dinner — what happened? A. We went driving. I don't know where it was, where we went. Somewhere by a lake he stopped the car and we sat and talked. It was pretty there. A cool breeze — the moon — He told me he cared for me — that he wanted to marry me.

Q. What did you say? A. I laughed. I told him it was all so swift that I didn't understand. I said I couldn't marry him, anyway, I was engaged to Ed.

Q. Even then, you did not tell Vincent Doon that you did not love him? A. Well, I —

Q. Don't you recall that you have already testified that you never told the defendant you did not love him? A. Yes, I recall. I never did. I didn't tell him then. How could I know? I had only known him a few days, only seen him twice.

Q. Didn't you know whether or not you loved the man you had already promised to marry? A. I thought I knew. But, as I've already told you, I doubted. I — it's very hard to explain.

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* Strong's purpose here was psychological. A girl holds fast the memory of what she wears when she is with the man she loves. Strong — as he told me later — was trying to lead her, by recalling the memory of her dress, into disclosing more about her real feelings for Doon. J. M.

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Q. I should think so. Do you recall April 10, 1940, do you remember what you did on that morning? A. I don't remember that day.

Q. Don't you remember that on that date Vincent Doon was indicted? A. Oh, yes. I remember now.

Q. What did you do on that day? A. What do you mean?

Q. Did you or did you not go to a law office on that day? A. (No answer.)

THE COURT: The witness will have to answer the question, or be held in contempt of court.

THE WITNESS: I must answer, Judge?

THE COURT: Unless you'd prefer to go to jail.

Q. There's nothing for you to hide. What did you do on that day? A. I went to your offices.

Q. What was your purpose? A. I asked you to take Vinnie's case.*

Q. What was the reason for this action? A. Only that I wanted Vinnie to have a good lawyer. He was entitled to that much. I knew he didn't have much money. He hadn't even tried to get a lawyer. Of course, the court would appoint a lawyer, but you can't tell how good he'd be. I knew he was too proud to come to me — or to anybody. I asked you to offer your services to him — free. That I would pay for them. I didn't want him to know I'd tried to help him. The only reason I did it was in the cause of fairness. I wanted him to be treated fairly, not persecuted, by me or anyone else.

Q. Isn't it true, though, that you told me you believed him innocent —

MR. COLLINS: Object. That is an opinion —

THE COURT: Sustained.

Q. At that time, did you not say you could not associate Vincent Doon with a murder?

MR. COLLINS: Object to that also. It is the same question, actually, and —

THE COURT: Sustained.†

Q. You did, at any rate, wish him to be properly represented in court. And that, in spite of the fact he was accused of the murder of your fiancé? A. Yes.

Q. Why didn't you mention before that it was you who hired me as attorney for the defense? ‡ A. I didn't want Vinnie to know I was helping him. All I wanted was to see justice done. He was proud, about money matters especially, and I knew he had very little himself.

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* Her statement caused tremendous excitement in the courtroom. Reporters, at the press table within the bar, made a hasty exit, to phone in the story of this development — "Enigma Girl Aided Accused Slayer." Judge Woode pounded for order. J. M.

† Strong was asking questions he knew would not be allowed. But the jury heard the questions, and part of the answers, before the Court threw them out. This is a legal ruse, used by all lawyers, and while Strong is ordinarily opposed to such dodges, it must be remembered that here he was fighting with a man's life in jeopardy — a man he believed innocent. J. M.

‡ In contrast to Collins, Strong's voice was gentle, with the tone and tempo pitched carefully, so that while the words were modulated, they had unusual power. Lulled by the quality of his voice, witnesses sometimes forgot themselves, revealing the truth when they meant to hide it. J. M.

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Q. Did you ever hear the defendant say anything that could be taken as a threat against the victim? A. I don't recall anything like that.

Q. Did he ever mention to you that he could obtain paper cutters and desk sets at cut rates? A. He said he knew a store where he could get objects like that at reduced prices, if we wanted any. He told us all one night at dinner.

Q. Did anyone take him up on this offer? A. No. Dad asked him where the place was, and he said it was on Madison Avenue.

Q. Did you at any time kiss the defendant, after his arrival in your home? A. Why —

Q. You can answer yes or no. A. Yes.

Q. What was the occasion? A. It was one night. We had all been out on a party. It hadn't been too successful — a foursome it was, Ed and Vinnie and Nora and I. I knew how much Nora admired Ed — how she disliked Vinnie. She addressed her conversation to Ed exclusively — and to me. Even with all the circumstances, I felt sorry for Vinnie. After we got back home, I went into the living room. I was just standing there, feeling confused about things. Vinnie came in. We were alone. We looked at each other. I don't know what happened — he — we were kissing. We broke away and — that was all. Neither of us spoke.

Q. You didn't think this was important enough to mention in your direct testimony? A. Maybe it was important. I don't know. I couldn't tell you myself what it meant.

Q. You kissed him like that, with your fiancé in the same house, yet did not love him? A. I —*

Q. Yes? A. What answer can I make? You're trying to trap me.

Q. The only thing you have to tell is the truth. Will you answer the question? A. I — well, there was something about him — about Vinnie — that was romantic. That was why I went out with him in the first place. He has ideas, he likes to talk about life and serious problems. But that doesn't mean that I loved him.

Q. Did you? A. I — can't tell you. I don't know.†

Q. Miss Van Eyck, you really love Vincent Doon, don't you? A. I don't know, I tell you. I don't know.

MR. COLLINS: This witness is obviously too upset to continue. May we have a brief recess?

THE COURT: I believe you are correct. Half-hour recess.

MR. COLLINS: Thank you, your Honor. (Miss Van Eyck resumed her testimony at the conclusion of the recess.)

Q. Will you now tell the court why you were marrying Hallett? A. For the reason I told you. I didn't — I didn't lie. Ed was a member of my own circle, he was of my

* Here was another of those long pauses. Strong did not hurry her this time. He stood there waiting. J. M.

† Here, Strong stepped back several paces, stood there, his eyes burning into those of the girl. From the witness stand she stared back at him, then her eyes went from one side to the other, as if she were in panic. She suddenly burst into tears. J. M.

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own people. Vinnie — they looked on him as an outsider. An artist — something wild. They didn't understand him.

Q. Who do you mean? A. Oh, Peter, Dad — all of them. My friends. Even my aunt up in Boston. I'd known Ed all my life — that was why I accepted him in the first place. I was already engaged to him when I met Vinnie. I was attracted to Vinnie. He was different from anything I had ever known. He was wild — but it was exciting. But I knew it was wrong.*

Q. You did speak of Vinnie to your family? A. Yes. At first, I told them I liked him. They pooh-poohed the whole thing. Said I was acting like a silly child, to think for a minute I might not love Ed. It seemed to me they must be right.

Q. Do you still think they were right? A. I — don't know.

Q. All of this is difficult for us to understand. You were marrying Edwin Hallett, without knowing whether you were in love with him, or whether this new emotion you felt for Vincent Doon was the real love? Is that what you are telling us? A. Yes — yes, perhaps.

Q. You were marrying Hallett because it seemed like the proper thing to do, is that correct? A. Yes, I was.

Q. You didn't think that love was as important as doing the thing you thought proper? A. How could I know what it was I felt? It was new, sudden — I couldn't explain it. It was all terribly mixed up, I was mixed up —

Q. Then why did you come to me and ask me to take Vincent Doon's case? A. Because I wanted you to help him. If he did it or not — I wanted him to have help —

Q. You've spoken about your doubts. Had you ever discussed these feelings with Ed Hallett? A. Ed was — he was a fine person. I should have loved him. I know that. He wasn't flighty, he had his feet on the earth. When I spoke about it, he'd laugh. "You'll get over doubting," he said often, "after we're married." What worried me most was that after we became engaged he became less romantic than ever, more absorbed in work. He was always talking about business, always thinking of new ways of getting ahead, new plans —

Q. With all this passion for business, did you wonder if he still had time left to love you? A. He did love me. Sometimes, I thought about it, sometimes I thought all he wanted was a pretty addition to his properties — once he did tell me I would be his prize asset. But his love was real, it was — different.

Q. You mean — different from Vincent Doon's? A. Yes. That was what — what struck me about Vinnie. Vinnie was wild, full of dreams, thought all conventions were middle-class. All my life, I've wanted to try my hand at writing. Ed told me it was a silly idea — that I'd have enough to do being mistress of his household. The others at home thought the same way. They told me it wasn't right for young ladies to go into

* As she finished the last sentence, Betty's eyes turned to Doon. He returned the look. It was an electric instant, yet doubtless entirely accidental. J. M.

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the professional world. Vinnie thought it was a great idea — we talked about stories You see —

Q. You were torn between them, actually, but you didn't admit it? A. Yes. They were so different. And everything in my environment was on Ed's side.

Q. All right. Let's pass over that a moment. Peter testified that you have inherited a large fortune from your aunt, held in trust with your father, is that correct? A. Yes.

Q. In case you die, to whom does the money go? A. It goes to Peter.

Q. Did your brother ever quarrel with the defendant? A. Never to my knowledge.

Q. Did Peter receive any inheritance from your aunt? A. No, because he was a man, my aunt believed he could take care of himself.

Q. Did you have any quarrels with the defendant, while he was in the house? A. No — no.

Q. You were trying, all the time he was in the house, to hide your true feelings? A. I was confused. I didn't trust my own desires.

Q. You've heard Mr. Doon's statement to police that he had reason to fear for your safety. Do you know to what he could be referring? A. Yes. It was — something that happened in the house. I told him I was afraid. I didn't tell him why.

Q. What was it? A. Something that happened one night — one night long ago — last summer — one week end when Ed, who was working out of town, came to visit. Ed and I had gone out for the evening. When we got home, it was late. Dad and the Major were playing chess. Ed stopped to chat with them. I went to bed. Went to sleep quickly. I don't know what time it was when I woke up. I had an icy feeling. The covers were off my bed. I could barely see, it was dark. But I could make out something, it was just a form — hands, I thought — coming at me. I screamed. The form seemed to go away. Quickly. The bedroom door — I heard it open — but the hall was dark, too — so I still could not see. I couldn't, didn't have the strength to get up. I didn't move. At last — seemed hours later — I must have fallen asleep. In the morning, I told about it at breakfast. No one could understand. They said it was probably a nightmare. Still — I couldn't get it out of my mind. I'm sure it must have happened — but it couldn't have happened.

Q. Who was at that breakfast that morning? A. Dad and the Major and Ed and myself — and Peter. Peter had been on a party the night before. He had a headache, he told me.

Q. And this was all your sense of fear was based on? A. No — no, there were other things. A day or so later, I was crossing Fifth Avenue. A car swung a corner. It came so fast, I just had a second to leap out of the way. It may have been an accident. But that other experience had unnerved me. As though everywhere I turned —

Q. Could you see who was driving? A. No. It was there, and gone. Seemed to come from nowhere. That wasn't all. Another thing happened a few weeks before the murder. I was — I was in my room. Always, at night, I water my plants — I keep several in my room. One of these plants hangs up by my window. I have to lean

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toward the window to open it. But it's always safe. We have a strong screen, nailed in. I was ready to go to bed, the window was open. I started to water the plants — leaned, not hard, against the screen. It gave suddenly. I felt I was falling out. I grabbed hold of the wall, just in time to save myself. Then I looked. That was what horrified me. The screen had been cut down the middle. It was a straight cut.

Q. Did you find any explanation for this cut? A. I asked everyone about it. No one in the house could explain, or understand how it happened.

Q. Any other episodes like this? A. No. Vinnie arrived that next week. The feeling — the feeling of danger — stopped. Right up until the day — the day of the murder. It was odd. That night, on the way down to cocktails, I slipped on the stairs. It was probably just an ordinary slip, something that might happen to anyone. But I remember that thought I had then — that the evil in the house had started again.

Q. You mean, that some force was trying to harm you, that it had seemed to go away when Doon came to the house, and then, the evening of the murder, had started again? A. Yes. That was what I thought. Like a bad omen, coming back.

Q. Did you believe it had anything to do with you and Hallett and Doon? A. I thought it was something beyond them — possibly something beyond all of us.

Q. Yet Doon and Hallett were the two persons most in your thoughts? A. Yes, they were.

Q. On one point it seems your testimony has been contradictory. You seemed pretty sure of your feelings in your direct testimony — very unsure when I asked you about them. Why? A. I know. I have been contradictory. I'll tell you the truth. I — you see, I wanted to help Vinnie. I thought the best way to do it would be to say as little as possible. Because, if people ever thought I loved him, then they'd be sure Vinnie did it — to get rid of Ed. That's why — I tried to keep quiet. Maybe it was perjury — I don't care about myself. I didn't know much about courts and trials.

Q. How did you ever get the idea that you would be helping Vinnie by keeping back the truth about your own confused emotions? A. We talked it over — we decided it was best for him — that way.

Q. We? Who was that? A. Nora and I — Nora was the one who said it would be best to say as little as possible. I took her advice.

MR. STRONG: Her advice? Thank you. That's all, Miss Van Eyck.

RE-DIRECT EXAMINATION BY MR. COLLINS:

Q. Well, now, just a minute. Whatever was the mixup in your own feelings, you still didn't want Doon to be in the house, did you? A. I knew it wasn't right for him to be there. I —

Q. And Doon and Hallett did quarrel, didn't they? A. I —

Q. Just answer the question, please. A. Yes, they quarreled.

Q. And you were engaged to Hallett, weren't you? A. Yes.

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Q. And Doon had repeatedly told you he loved you — wanted to marry you — had even suggested that some day things would be different. All that's true, isn't it? A. Yes.

Q. You didn't go up on the top floor that night, did you? A. No — of course I didn't.

Q. You heard no one else go up. A. No.

Q. As far as you know, the only two people on the top floor were Doon and Hallett?

MR. STRONG: Object. She has no way of saying positively that no one else was up there.

MR. COLLINS: She would have known —

MR. STRONG: You know as well as I there are a hundred ways someone might have been there without her knowledge. Besides she has already said she didn't hear Doon come in.

MR. COLLINS: I'm asking what she did know — not what she didn't. If we were to allow for every possibility under the sun, we would be here for eternity.

THE COURT: Objection sustained. Strike it out.

MR. COLLINS: All right. That is all. (Witness excused)

VICTOR U. RIVOLLI, OF 20A-02 LEXINGTON AVENUE, NEW YORK, N. Y., CALLED AS WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are Mr. Victor Rivolli, and you operate a gift shop on Madison Avenue, near Fifty-fourth Street, is that correct? A. That is right.

Q. Do you know who is the defendant in this case? A. He is that man there.

(The witness pointed to the box where the defendant was seated.)

Q. Did you ever see that man before today? A. Did I ever see him? One time before.

Q. When and where was this? A. In my store. He came in, asked to buy the paper cutter.

Q. Are you positive this was the man? A. Absolutely. He had one of my coupons. I put an advertisement in the *Art News*, offering some of my art goods one-third off, to members of the Art Association. But to get the reduction you must have the coupon from the advertisement. He had one.

Q. The defendant, when he came into your store, presented one of these coupons? A. Yes, he had one. And he said —

Q. Just a moment. When was this, what day did it happen on? A. It was April eight. I checked in my records.

Q. Tell us what happened, how he came in and so forth? A. It was like this. Late

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afternoon. I was in the store. Business was very bad. Into this store comes that man over there. He had on a dark overcoat, but he took it off and he had on a gray suit like the one he has on now. He was a nice looking fellow, all right. He came up to the counter, and he handed me the coupon. The one that gives him a third off. "I want a paper cutter," he told me. I show him a long paper cutter. One of our best. Hand-carved with the head of a man. He said: "Who does this man represent?" I told him the man represents philosophy. I told him it was $20 at the reduced price. He told me it was a nice piece of carving. He looked at it long time. He looked at some others. He decided to take that first one I showed him. He gives me the money. I said, "Thank you, sir, very much." He said: "No, no. It is I should thank you. This is going to cement a friendship." Of course, I had no idea what he meant —

MR. STRONG: Object. It implies there was something to understand.

THE COURT: Sustained. Strike it out.

Q. He did say the knife was going to "cement a friendship"? Those were his words, exactly? A. That's what he said. I watched him go out of the store, and I thought to myself —

MR. STRONG: I have no interest in what he thought to himself.

THE COURT: Nor have we. Please limit your testimony to the facts.

Q. Just tell us what happened. A. He went out. On the very next day, I saw his picture in the paper.

Q. You recognized him? A. Oh, at once, yes. No doubt. Then I see, I read the man is stabbed with a knife. I said to myself, "I bet it is my knife —"

MR. STRONG: I object. I don't care what he says to himself either.

THE COURT: Sustained.

Q. Please — just tell us the facts. A. Two days later, the police came. They told me they are investigating a crime, and would I help them. I told them all I knew. They asked me if I would come and testify and I said yes.

Q. Look at this instrument marked People's Exhibit No. 2. Ever seen it before? A. Oh, yes. That — that is the paper cutter I have been telling you about. The one I sold him. The defendant.

Q. Could there be another knife of this kind anywhere? A. No, sir, it could not be.

Q. How do you know that? A. It is a funny story. The man who make this carving is a very sick man. He cannot leave his room. He used to live in Napoli, but a few years ago he come here. But he is sick. The doctor told him he is going to die. So he carves — to make money. I buy these knives from the manufacturer, with the wood handles, just plain. He carves them. Each one different.

Q. Does he ever make any duplications? A. No. Each one is different, like I said.

Q. Are you the only person he makes these carvings for? A. Yes. He is a friend of mine. Besides, he is sick, he cannot work much.

MR. COLLINS: That's all. Thank you.

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CROSS-EXAMINATION BY MR. STRONG:

Q. You have definitely identified Mr. Doon as the man who purchased the knife from you, is that correct? A. Yes, it is.
Q. Is there anyone else in the courtroom, outside of police officers or detectives, who was ever in your store? A. Anyone? That man — he is — well, he looks familiar.*
Q. Did you ever see him before, in your store? A. Yes — I did. I — remember now. It was about two days before this other man — this defendant — came in. Yes, I am positive it was he.
Q. What was he looking for? A. Now — let's see. He — he didn't know. He looked at desk sets, the paper cutters —
Q. He did look at the cutters? The same kind you sold Vincent Doon? A. Oh, yes, he looked at them. But he asked how much and when I told him he said, "Oh, it's too high for what I want it for."
Q. Did he buy anything at all? A. No, after that he looked around. Then he went out — said he might come back.
Q. Are you positive that was the man — that man there? A. Positive.

MR. STRONG: That's all. (Witness excused) (After the jury had been duly admonished, according to law, by the court, a recess was taken until 2:15 p.m.)

AFTER RECESS TRIAL RESUMED

MR. RICHARD VAN EYCK, OF 84-32 FIFTH AVENUE, NEW YORK, N. Y., CALLED AS WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are the father of Miss Betty Van Eyck, fiancée of the victim? A. That is correct.
Q. Did you, on the morning of April 9, go to the top floor of your home on Fifth Avenue? A. I did.
Q. Could you tell us about that, please? A. I was about to arise — I was, in fact, in the act of dressing — when my son, Peter, called down from upstairs. There was urgency in the call. I could tell something was radically wrong. I slipped on my robe, ran out to see what was the matter. Peter called again, and I ran up the stairs. When I reached

* The witness pointed to Major Faverill. J. M.

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the top floor, I hurried forward. I wasn't prepared for the shock. I saw the body lying there.

Q. What did you do? A. I ordered Peter to go downstairs and telephone to the police.

Q. Why didn't you call on the phone in that room? A. I knew better. There may have been fingerprints on the phone. As it evolved, there were none, but I could not know that at that time.

Q. Who was there besides your son Peter? A. The defendant, Doon.

Q. Did you speak with him at all? A. Sparingly. I said as my son was going down the stairs, "We'll find out about this, Doon." Words to that effect.

Q. Did you tell the defendant that you thought he was involved in the killing?

MR. STRONG: I object to the wording of that question. It is highly prejudicial and inflammatory.

THE COURT: The court sees nothing wrong with it. Overruled.

A. Yes, I did. The fact was, they were right next to each other on that floor —

MR. STRONG: I object to this. The witness is drawing conclusions from the facts — he has no right to do so.

THE COURT: Yes. I sustain the objection.

Q. The defendant's room is next to the room of the victim, is it not? A. It is, indeed.

MR. STRONG: That question can be answered yes or no.

MR. COLLINS: He answered it.

MR. STRONG: I said yes or no.

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THE COURT: Wherever possible, the witness should confine his answer to a simple yes or no, and not try to influence the jury by the tone of his answer.

THE WITNESS: I will try to restrain myself.

Q. No one else lived on that floor? A. Only Edwin Hallett, who was to marry my daughter, and the defendant.

Q. There was a room in the back? A. Yes. The playroom. The playroom I and my wife fixed up many years ago for our children.

Q. No one goes there? A. No one. It has been locked ever since my wife died a year and a half ago. You see, it was her room, in a way, where she would go to play with the children. Even I felt out of place there. After she died — I had it locked.

Q. Who had the keys to that room, Mr. Van Eyck? A. There was only one key. My son Peter had that.

Q. So it would have been impossible for anyone to have hidden in the playroom there? A. More than impossible.

Q. Do you remember an evening when the defendant spoke about getting gifts at reduced prices? A. I do. We were all at dinner, when Doon spoke of the fact that he had some advertising coupons which enabled him to get *objets d'art*, gifts, desk sets, paper cutters, things of that nature, at lowered cost. I asked him, trying merely to make conversation, how it happened that he had the coupons. He said he cut them out of a magazine, that they were for a place on Madison Avenue. He told us the name — some Italian name.

Q. Anything else said about it? A. No. I didn't think of it as important.

Q. After the crime, when did you recall this episode? A. The moment I saw that paper cutter. The thought came to me — I remembered he had spoken of a paper cutter at dinner. I didn't know the murder weapon was a paper cutter then — it was a knife sticking from his back. But I did think of that earlier episode.

Q. Did you speak of it to the defendant? A. I did. I asked him: "Wasn't it you —?" He interrupted me. "That was it," he said. I asked him what he meant. He said he had purchased that paper cutter the day previous, at the request of Hallett. I said, "You mean, Ed asked you to buy the weapon he was killed with." Doon said that was the honest-to-God truth. He said he knew it looked pretty bad for him. I told him I thought it did, too. Doon then said maybe he had better get an attorney. I didn't reply. After a few minutes, he said, "Oh, I don't care what they do."

Q. Are you quoting exactly? A. I believe so. I have a good memory. "I don't care what they do. What does it matter anyway?" It was a shock to hear words like that. My daughter came up the stairs. I tried to prevent her — so did the defendant — from going in the room. But she wouldn't be stopped. She stood there a moment, staring down at him, then reeled back. I stepped forward and grabbed her, to keep her from falling. At the same instant, the Major stepped forward. He had come up, I neglected to say, a few seconds after me. He was standing right by the door, staring in. Seemed almost hypnotized. Doon and I were a few feet from the door. Doon did not

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look around. Squires, the butler, came up too — after my daughter had arrived. Squires led my daughter down the stairs. It was only a few minutes after that that the police arrived. And they really took charge. I gave them all the statement, just about what I have given you now.

Q. Mr. Van Eyck, can you tell us your own activities on the night of the crime? A. They weren't extensive. Everyone was there at dinner. There was — you know — chatter about the war and Hitler, pro and con.

Q. Did the defendant take part in these discussions? A. As I recall, he didn't say much. I do remember when someone — I believe it was the Major — began to compare Hitler's conquests with those of Napoleon and Caesar. Doon broke into that with some flippant remark about how each of the first two had met disastrous ends — and he hoped the third would please copy.

Q. Did this cause any kind of argument between him and the Major? A. Oh, no. We are civilized. Able to discuss issues without quarrels.

Q. That was all the talk at dinner? Nothing at all pertaining to the party the next day?

A. Yes, there was a little. About arrangements, and who was coming. It was not much — Doon was there.

Q. Why didn't you ask Doon to leave, Mr. Van Eyck? A. I would never have done such a thing. People may outstay their welcome in my home, it is true, but I would not for an instant violate the code of hospitality which we have held for years.

Q. So, despite the fact that you wished he would go, you refrained from asking him, is that the case? A. Yes. That is it precisely.

Q. After dinner, what did you do? A. Major Faverill and I went to my room to play chess. We often play chess in the evening, you understand.

Q. How many games did you play? A. Two, if memory serves me. I lost both of them.

Q. After that? A. After that, I went directly to bed. Oh, yes, I listened to the news for a little while — a few minutes. I turned it off because it was all bad — about the war.

Q. Did the Major listen with you? A. Part of the time, I believe he did. The news was all so discouraging.

Q. And you went right to bed? A. Yes.

Q. Could you tell us exactly the time? A. Well, we must have played until almost eleven — the news went on at 10:45. I would say we finished up playing and listened to the news about ten minutes. The Major went into the bath first. When he was finished, I bathed and retired.

Q. Could anyone have gone upstairs during the time you were waiting for the Major — without your knowing? A. No, no one could. I would have heard them, beyond a doubt.

Q. You heard no one go up the stairs? A. I can state certainly that no one went upstairs, to the top floor, while we were playing our game. Some time after we were

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finished — it was after eleven — I heard someone go up.

Q. Who was that? A. I assume it was Doon. Of course, I do not know, cannot say positively. My door was closed. But as he admits returning at that time —

MR. STRONG: I object to the witness drawing a conclusion.

THE COURT: Objection sustained.

Q. You did hear someone go up the stairs, some time after you finished playing? A. It was about a quarter past eleven.

Q. No one went up except this one person? A. That is correct. Earlier — about ten — I heard someone come up to our floor — and I heard Peter's door shut.

Q. Hallett, to your certain knowledge, was already upstairs? A. Oh, yes. We had come upstairs with him from the dining room, and I saw him go up.

Q. No one, to your knowledge, came downstairs from the top floor, at any time? A. No one.

Q. You would have heard them? A. I certainly would have.

Q. Then, to put it straight, no one came downstairs at all during the evening, while you were playing there in your room, and only one person went upstairs, while you were playing chess, to your knowledge, is that correct? A. Yes. That was Peter — I knew his step — and I heard his door shut.

Q. How long were you waiting for the Major to finish his bath? A. About three-quarters of an hour. Maybe a little longer. He always takes a long time.

Q. Could anyone have come downstairs or gone upstairs while you were bathing, without your hearing? A. I don't think so. The fact is, the bath is a fairly old-fashioned kind. And the pressure up there, for some reason, is less than it is on the lower floors. When you turn it on full blast, it doesn't run very strong — or loud. Takes about ten minutes to run deep enough to take an even half-way decent bath.

Q. You could have heard, if anyone had gone up the stairs, or come down, while you were bathing? A. Yes, I would have, beyond a doubt.

Q. The defendant, in his statement, mentions a telephone call which the victim, Ed Hallett, was supposed to have received. This was supposed to have come about a quarter to twelve. Did you hear such a phone call? A. I could have heard it all right, but I didn't. There is an extension in my room, as well as a new extension which we installed in Ed's room for his convenience.

Q. And you heard nothing at all? A. Nothing.

Q. Could anyone else in the household have been hiding on the top floor anywhere? A. There could not have been anyone else in the household, I know that for a fact, as I know where everyone was. Peter — the servants — my daughter and Nora Avery — the Major and myself. That — that is the household, with the exception of Doon and Hallett. Hallett I knew was upstairs. Doon — all I know is he went out. And that I heard someone come in, after eleven.

Q. You knew of the relationship between Doon and Hallett? A. I did.

Q. They were friends? A. I would say anything but.

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Q. Did the defendant ever in your presence threaten Hallett with bodily harm? A. No, I can't say that I recall that he did that. Perhaps certain untoward incidents might be so construed —

MR. STRONG: I object to that. The witness is not here to construe the facts.

THE COURT: Sustained. The witness must not make statements of that nature. The court is not interested in how the facts might or might not be construed.

Q. Did the defendant make any statements or admissions of any kind to you — after the crime? A. No. Once or twice, I tried to engage him in conversation, but he wouldn't even answer my questions, beyond informing me that whatever he had to say he would say to police.

MR. COLLINS: Your witness, Mr. Strong.

CROSS-EXAMINATION BY MR. STRONG:

Q. What did you say was your business, Mr. Van Eyck? A. Before I retired I was a broker. A stock broker. Member of the firm of Goddfry and Gannon, Wall Street.

Q. You are wealthy, in your own right? A. I imagine that people would say I was wealthy, yes. If it matters.

Q. Now that you are retired, how do you spend the most part of your time? A. Doing the things I have always wanted to do, if I may say so, but have been unable to do, during a long life of work.

Q. Could you be a little more explicit? A. Oh, yes. In visiting clubs, and friends, in travel, in enjoying the social life.

Q. On the night of the crime, you would, you say, have heard the phone in your room, had it rung? A. Yes, I am positive I would have heard it.

Q. But you did not hear any ring? A. No.

Q. Is the phone loud? A. No. Our phones are not like ordinary ones. We — we don't like the loud jangle, it gets on our nerves. We have a softer bell sound.

Q. You heard no one come down the stairs from the top floor that night? A. I heard no one.

Q. While you were in the bath, you insist that no one could have gone up or down the stairs, without your hearing? A. Quite correct. I have already testified to that before the District Attorney.

Q. You are positive no one could have hidden in the playroom? A. I have already testified —

Q. Don't tell me what you have already testified to. I am asking you questions now, not the District Attorney. You are positive no one could have gone in or out of the playroom? A. I know it was not disturbed, when I and the police examined it the afternoon after we found his body.

Q. What were your own feelings toward Ed Hallett? A. What do you mean, my own

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feelings?

Q. That seems to me a simple enough question, Mr. Van Eyck. What did you think about Mr. Hallett? Did you think he was a good man to marry your daughter?

MR. COLLINS: Objection. That is a matter of opinion —

MR. STRONG: It is nothing of the kind. It is a question of the state of mind of the witness.

THE COURT: We find the question is of some relevancy and will allow it. Overruled.

Q. What were your own feelings in this matter — in regard to Hallett? A. I liked Hallett, after I came to know him.

Q. You did not like him at first? A. I wouldn't say that I did not like him. It wasn't that. It was rather that I did not — well, I did not know whether he was the right man for my daughter to marry or not.

Q. But you had known him since he was a child, hadn't you? A. Oh, yes, he and his family had been good friends of ours. But it is different, you know, when it is a question of love and when it is only a question of friendship.

Q. When did you first know it was a question of marriage? A. I actually knew it before my daughter told me. Ed spoke to me before he asked her.

Q. When was that — what was the date? A. It was some months ago — a long time — I should say more than a year.

Q. You did not hear the telephone ring that night? A. What?

Q. The phone — that night before the murder — you did not hear it ring? A. I fail to see what that has to do with —

Q. Again, Mr. Van Eyck, I must remind you that it is I who am asking the questions. Will you answer please? A. Very well, then. I did not hear the phone ring.

Q. Did you have anything to do with the putting in of the phone in Ed Hallett's room? A. I authorized the butler to call the phone company and explain to them what we wanted. I knew nothing further about it.

Q. Did Doon tell you at any time that he heard the telephone ring? A. I don't recall that he did.

Q. Did Doon ever go into the playroom? A. To my personal knowledge, no.

Q. When was the last time you were in the playroom? A. I — it was more than a year.

Q. What was the occasion for your going into the room at that time? A. I — it was a sentimental one, purely. To get something.

Q. To get what? A. Peter's — shoes. They were his boyhood shoes. His mother — she kept them there. I — wanted to have them bronzed. That was all.

Q. You mean to have them dipped in bronze, to be kept permanently? A. That is right.

Q. You haven't been in the room since then? A. I've told you, no.

Q. And you did not hear the phone ring on that night? A. I have already answered that question —

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MR. COLLINS: I object to counsel's repeating of that queston, in an attempt to influence the jury. Had Mr. Van Eyck heard the phone, I am sure he would be only too willing to say so. He has already replied to the question.

THE COURT: He has answered it and I do not see that he has to continue answering it all day. Objection sustained.

Q. You testified a little while ago that at first you did not approve of the idea that Hallett should marry your daughter — is that right? A. Like any father, I thought about it. The marriage of one's daughter is not a thing to take lightly, like a new suit of clothes.

Q. Just what did you say, then? I must have misunderstood you. A. I said that I thought about it, that I was perhaps for a few days disturbed. There were times when I doubted the wisdom of the match that I knew was soon to be arranged. Whether or not my daughter would be happy — that was the only concern in my mind. Hallett was a nice boy, on the way up, so to speak. Still, for a girl so fragile as Betty —

Q. So, when you first heard of the proposal, you did not entirely approve of the idea — that is correct then? A. No, it is not correct.

Q. You had doubts, didn't you? A. Yes, I did, but — I still did not disapprove.

Q. You had doubts about it, but only slight doubts, is that it? A. Yes.

Q. Had you ever seen that knife before, the one with which he was killed? A. No.

Q. Did you ever hear Hallett speak of wishing such an object? A. No, I did not.

Q. Or anyone else in the household? A. No.

Q. In all the time he was there, did Doon act in any way to you personally that was actually rude? A. I — well, no. But he seemed sneaky.

MR. STRONG: That is not a proper answer. I object. "Seemed sneaky" is an opinion, not a fact.

MR. COLLINS: You asked the question, didn't you?

MR. STRONG: But he made the answer to which I object.

THE COURT: Again I must ask counsel to address themselves to the court, not to each other. I agree that the answer is wrong. The witness can tell what the man did. That is a matter of fact. He cannot say how the actions of the man seemed to him. That is a matter of opinion. Objection sustained. Strike the answer out.

Q. Your son testified that you did not approve of Daphne Borden. Is that correct? A. Well, I guess she's all right. But not for Peter.

Q. What is your reason for this objection? A. To be frank, I believed all she wanted was to marry into a family with social position. Her own family — well, they have some money, but they're a fast crowd. Gamblers. Connected with shady business. I was always afraid he'd get into trouble —

Q. They live on Park Avenue, don't they? A. Yes. And made most of their money in the bootlegging era.

Q. And you thought they might be out to grab off Peter, in order to improve their

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social standing? A. Or else for the money they thought he might some day inherit.
Q. Did you have any concrete evidence on this point? A. No, not really. The girl was always playing up to me, too much so. That was what made me suspicious.
Q. But beyond that? A. She was too forward. It was obvious what she wanted. Peter was a good catch.

MR. STRONG: Well, I'm not arguing the point. That's all.

MR. COLLINS: Nothing else.

(Witness excused)

SQUIRES QUIG, OF 84-32 FIFTH AVENUE, WITNESS CALLED IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. COLLINS:

Q. Mr. Quig, you are the butler in the household at 84-32 Fifth Avenue. Is that right? A. That is correct.
Q. How long have you been employed there, Mr. Quig? A. Well, I began my employment with the master back in 1927.
Q. You have been employed as butler ever since? A. Yes, as butler, sir.
Q. You have known all the members of the household intimately? A. I hardly think it proper to say intimately. I have known them all a long time, but the personal affairs of the members of the household are beyond our sphere.
Q. Nevertheless, you knew what they were like, their personalities, and that sort of thing? A. Even butlers may form opinions.
Q. You knew both the defendant and the victim, in this case? A. I did, sir.
Q. Did they quarrel much, in your presence? A. Yes, they did. It was quite unpleasant. They were constantly bickering.
Q. Who started most of these arguments and bickerings, Mr. Quig? A. I dislike to speak bad of the dead, but it was, I believe, Mr. Hallett who started most of the trouble.
Q. You mean, after the defendant arrived in the house? A. Yes. There was no trouble before, sir.
Q. What were your actions in connection with the discovery of the murder? A. I was in the pantry, outside the kitchen, as I recall, but the doors were open. I heard someone call downstairs from the top floor. I heard Mr. Peter, I believe —

* Quig personified the perfect butler. His disdain was infinite, his calm magnificent, his voice and manner polished and impregnable. J. M.

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Q. Mr. Peter? A. That is what we call the young master. It was he, sir, calling down. I hurried out to see what was the matter. Looking up, I saw Mr. Van Eyck, and the Major, hurrying up the stairs. I started up myself. I saw Miss Nora and Miss Betty standing at their door. I waited a moment —

Q. Why did you not go up also? A. I did not wish to intrude, sir. After all, I had no knowledge at that time of the thing that had happened.

Q. So you waited there, at the stair well? A. Yes. I waited. After a few minutes, Mr. Peter came down and went to the telephone. I heard him, of course. As he spoke I realized — I didn't want to believe it — but I realized what must have happened.

Q. What did you do then? A. I waited a moment. Then I saw Miss Betty run up the stairs. I felt that perhaps it would be too much for her, so I started up the stairs myself. When I arrived at the top landing, I saw them all gathered around the door. I walked forward. At that moment, Miss Betty swayed against her father.

Q. What did you do then? A. I first of all looked into the room. The sight was dreadful. Mr. Van Eyck asked me to take Miss Betty to her room. I was myself somewhat shaken. But I helped her down the stairs.

Q. Was she conscious? A. She was distressed. It hardly seemed she knew what was going on.

Q. Did she say anything at all? A. No. She just stared straight ahead — her eyes rather fixed. Almost as if she were numb from head to foot.

Q. You took her to her room? A. I did, sir, and placed her on her bed. Miss Nora was there, too —

Q. Is it twin beds or a double bed? A. There are twin beds in the room. We put her on the bed, and Miss Nora said she would take care of her.

Q. And you left? A. No, I waited. Miss Betty was saying something — something about "not now, not now — not ever" — I remember those words. Then she started to laugh. It was wild — almost insane laughter. Miss Nora said she was hysterical and should have rest and quiet. I went out, since I thought Miss Nora could take care of her best.

Q. Where did you go? A. Downstairs, sir, to the servants' quarters. I informed the rest of the help what had happened. They were terribly excited. I warned them to remain calm.

Q. Did you remain there with them? A. I did. For several minutes. At that time, I realized, the best thing we could do would be to keep out of sight, not to upset anyone in the household. A few minutes later, the doorbell rang. The police. They at once took charge. Mr. Peter led them upstairs. Later, I talked to one of the officers, and I told him the story, as I knew it.

Q. Previous to the crime, was there anything — did anything happen to make you believe there was likely to be a crime committed? A. No, nothing. The house always ran smoothly.

Q. Where were you the evening prior to the crime, after dinner? A. When dinner was

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over, I retired to my room. There is a bell there, which Mr. Van Eyck may ring if he wishes me. There was no summons during the evening.

Q. Did you hear the phone ring at any time? A. No, I did not, but it may have rung without my hearing it. It can't be heard very well in the servants' quarters which are behind the kitchen.

Q. You were in your room during the entire evening? A. Yes, sir.

Q. Were the other servants in their rooms also? A. Cook and the chambermaid, I believe, went to see a movie.

Q. To your certain knowledge, nothing untoward or unusual came to your attention during the night? A. Yes. Something I can't explain. It may mean nothing. During the evening, about nine-thirty o'clock. I went to the kitchen, to be sure I'd turned off the lights. As I did, I heard the front door close. I wondered who it was. I listened. I thought I heard footsteps. I went out into the hall. No one was there. I went to the second floor. Then to the third. I saw no one. So I came back downstairs.

Q. Could this have been imagination? A. Well, I don't believe so. Because, in the front hall, I smelled a whiff of — an odor of perfume. I figured some one had come in, without my knowing, and I had heard them leaving. But that wouldn't explain the footsteps.

Q. At any rate, you found no one, heard nothing further to confirm your guess that some one came in or went out? A. No, nothing further.

Q. You told the police about it? A. Yes. They informed me — later — that they had investigated but had found out nothing further.

MR. COLLINS: Well, since we can't go further on that, we'll have to let it drop. That's all.

CROSS-EXAMINATION BY MR. STRONG:

Q. Is it true that a new extension of the phone was installed in the house recently? A. Yes. In Mr. Hallett's room.

Q. For what purpose? A. Mr. Hallett had a number of phone calls on business matters, sometimes even late at night. In order to save trouble all around, Mr. Van Eyck informed me of the situation. I called the telephone people and had them install a phone. I was not there when the phone was actually installed, however.

Q. The installing man did it by himself, is that right? A. As a matter of fact, no. Major Faverill was in the house the afternoon the man arrived — that was on March 27th, I believe, although it is a matter you can readily check. He saw me let the man in, and inquired what it was for. I told him it was the phone man. Major Faverill then said he would like to go upstairs to watch the man. The Major was interested in electrical things. I decided, as long as the Major was there, I could continue with my other duties —

Q. Major Faverill was with the installing man all the time he was there? A. I do not

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know if it was all the time. At least, part of the time.

Q. You can be sure of that? A. Only that was what he said he intended to do, sir, and I saw him start up the stairs, leading the installing man to Mr. Hallett's room, sir.

MR. COLLINS: This is all off the point. I'm not trying to prevent the defense from presenting whatever it can, but it does seem all of this phone business is a sheer waste of time.

MR. STRONG: Your Honor. We are all aware of the District Attorney's opinion that the defense should be strictly limited. He would protect us — everybody — everybody, that is, except the unfortunate ones he wants to put in jail. I'm endeavoring to get at the truth — to protect a man I believe unjustly accused.

MR. COLLINS: Mr. Strong has so much pity for the defendant, he might well spare a little for the victim. However, all I want to know is why the telephone has any importance —

THE COURT: The People themselves have introduced testimony relative to a phone call. I'll allow it. Overruled.

Q. How many phones are there in the house? A. Three extensions of the same phone. One in Mr. Van Eyck's room. One is in the writing room, that is, on the first floor, in a sort of little cubby hole. And one is in Mr. Hallett's room.

Q. Which one did Mr. Peter use when he called the police that morning? A. He used the one in Mr. Van Eyck's room.

Q. You say Mr. Hallett received calls late at night. How late? A. Sometimes, one or two in the morning.

Q. I thought you said you could not hear the phone in the servants' quarters? A. I said it is difficult to hear. Once or twice, I happened to be awake, and I heard the ring faintly and answered it. That was before they put in the other phone.

Q. Did you find out who was calling? A. No. It was always a man's voice — the same one each time. Asked for Mr. Hallett and said it was a business matter of importance.

Q. It was nine-thirty when you heard the front door open, that night before the crime? A. Yes.

Q. Why did this seem to you to be important? Did you ordinarily pay much attention to the door, every time it opened or shut? A. No. Everyone in the house had a key — even Mr. Doon. I suppose it was only curiosity that led me to walk out and see who it was. What was puzzling was that there was no one there.

Q. Isn't it possible whoever you thought you heard might have been going out instead of coming in? Nine-thirty isn't a very late hour. A. That's true, sir. But that doesn't explain the footsteps. And it doesn't explain the whiff of perfume, either. Because no one in the house, none of the young ladies use perfume to any degree. They wouldn't consider it proper.

Q. Are you positive that you heard the sound of footsteps after the door closed, and not before? A. I'm ready to swear to it.

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Q. Did you hear anyone else come in or go out that night? A. No, I didn't. After I came back to the kitchen, I decided that, whatever it was, it must be all right. So I went to bed.

Q. You did not hear the telephone ring that night? A. No, I did not.

Q. So, as far as you can say, you heard some one come in the house, about nine-thirty o'clock, but you heard no one go out, nothing beyond this? A. Yes.

Q. You are sure of the time? A. Positive. I went to the kitchen in the first place to see if the lights were out. I looked at my clock and it said almost nine-thirty. I wanted to get to bed. We rise early — the staff, that is. But I wanted to be sure everything was all right.

Q. Do you know of anyone, not living in the house, who ever made a threat against anyone living there? A. No, sir. I knew of no one.

MR. STRONG: That's all, Mr. Quig.

(Witness excused)

MRS. MARY O'BRIEN, OF 84-32 FIFTH AVENUE, NEW YORK, N. Y., CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. COLLINS:

Q. Your name and address, please? A. Mrs. Mary O'Brien. And I live at Van Eyck residence on Fifth Avenue.

Q. You are employed there? A. Cook.

Q. Is your husband living, Mrs. O'Brien? A. No, sir. He passed on seventeen years ago, God rest his soul.

Q. We know you don't want to take up the court's time, so if you'll just answer what I ask and no more. How long have you worked in the Van Eyck home? A. Going on fifteen years, this winter.

Q. You have known the members of the household a long time? A. I have. Of course, I don't mean Mr. Doon. Ain't known him that long. And I wish I'd never laid eyes on him. My poor little girl —

Q. Whom do you mean by "your poor little girl"? A. My little Miss Betty. It's a perfect shame —

Q. Did you help bring these children up? Peter and Betty? A. That I did. When their

* Mrs. O'Brien was 250 pounds of cook. She had all the prideful bearing and broad expanse of bosom. She had also full, fluffy gray hair, and wore a dark blue dress, under a brownish coat, pinned on the lapel of which was a bright red rose, obviously a last minute decoration in consideration of the role she was playing on the witness stand. J. M.

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mother was alive, I helped her. Of course, they had a regular governess, when they were younger.

Q. Did you know Edwin Hallett, the victim in this case? A. Him and my Miss Betty used to play together when they were young ones. I was so pleased they were getting married.

Q. Did you ever observe any unpleasantness between the defendant and the victim? A. I saw plenty. Mr. Doon was always starting some trouble over something. It was like a madhouse, after he came. I knew no good could come of it.

Q. On the evening previous to the crime, where were you? A. I was out of the house until after midnight. I don't ordinarily stay out that late. Sarah, she's the new upstairs girl, wanted to see that movie with Robert Taylor. I forget the name. That was down at Roxy's and there was a big crowd, so we had to wait to get in. We left after we was finished our work in the kitchen. Took a bus down and then walked over. I didn't get home until late. It was after midnight.

Q. Did you come in the front door? A. No. Through the side entrance.

Q. Everything was quiet in the house? A. Very quiet. All the lights were out. It was still as death.

Q. You went to your room? A. Where else should I go? I went right to my room. I went to bed. I was tired. Besides, I have to be up early in the morning.

Q. How about Sarah? A. She didn't come home with me. She doesn't live in. No place for her, to tell the truth.

Q. What time did she arrive the next morning, do you know? A. She didn't come the next day. That was her day off. So she didn't come.

Q. What time did you awaken the next morning? A. I should say it was about seven. I always wake up about that time, no matter what time I go to bed.

Q. You had no notion that anything was wrong? A. How could I? I just went about my regular duties, getting ready for breakfast — I should say breakfasts. They eat at all hours in our house, it's just one continual round of meals.

Q. When did you first learn about the murder? A. Mr. Quig told us. Me and James, the chauffeur.

Q. What time was that? A. About nine-thirty, I guess. Some time after nine, I know. We were in the kitchen.

Q. Had you served any breakfasts yet? A. No — we were getting ready to serve Mr. Van Eyck and the Major, they always come down about nine or so.

Q. What did you do after Quig told you? A. I went upstairs, first thing. I wanted to see Miss Betty.

Q. Where was she? A. In her room. Miss Nora was there, too — so pale she looked like a ghost. I took charge when I came in.

Q. Beyond that, you know nothing about the crime itself? A. If I knew, I'd tell you, wouldn't I?

Q. Did you ever hear the defendant make any threats against the victim? A. No, but

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then I didn't see much of him. When I did he was always quarreling —

Q. But no actual threats? A. No, I can't remember any. I know I never thought he would do anything like this. It's a shame. Here I am — over fifty years of trying to live an honest life — and now to be part of a murder. It's a terrible shame, the whole thing.

MR. COLLINS: We are all agreed on that, Mrs. O'Brien. I have nothing else to ask.

CROSS-EXAMINATION BY MR. STRONG:

Q. In the fifteen years you've been employed in the house, you've seen a number of household help come and go, I presume? A. I can testify to that. These days, no one wants to work —

Q. Some of those persons, I suppose, were not too honest, is that not so? A. Yes, sir. We had our share of the "lifters," I call them. And we still — we still —

Q. What did you start to say? A. Nothing.

Q. Didn't you start to say that you still had some? A. Maybe I did. It's true. There's one man in that house I don't trust —

MR. COLLINS: Just a minute, just a minute. I object to that. Does the witness think this courtroom is a gossip club? The defense attorney should never permit her —

MR. STRONG: You are right, Mr. Collins. She shouldn't have said it.

MR. COLLINS: Why didn't you stop her, then?

MR. STRONG: Well, it is difficult to stop any woman when she gets a notion to say something. Mrs. O'Brien, all we want to hear are the facts. Tell us only what you know to be true.

A. All right, I know it's a fact that James Becker has a criminal record. That he's been in jail. I know that.

Q. How do you know it? A. Mr. Quig told me —

Q. That's hearsay, and you cannot testify to it.

MR. COLLINS: Object. This Becker is not on trial, and it doesn't matter whether or not he's been in jail, as far as I can see.

THE COURT: Objection sustained. It appears to me useless to bring out points of this kind. We aren't interested in personal histories of every member of the household, but only in those facts pertinent to the case. I wish counsel for the defense would keep that in mind in future examination.

MR. STRONG: Yes, your Honor. I'll be more careful.

Q. You testified you went to Miss Betty's room, after you heard about the crime?

A. Yes, I did. Miss Nora was there, but I took charge.

Q. What was Miss Nora doing when you entered? A. Why — she was bending over Miss Betty.

Q. Was she administering some medicine or something of the kind? A. No, nothing of

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the kind.

Q. What was she doing then? A. She — she was reading a letter. I don't know what it was. When I came in, she stuck it in her dress. Just like that. I didn't ask her about it, of course. I — I didn't think about it again, to tell the truth.

Q. You have no idea what it was she was reading? A. It was a letter. On white paper — handwritten. That's all I know. I just got a quick look at it, then she put it away.

MR. STRONG: We'll come to it later. That'll be all, thank you.

MR. COLLINS: Nothing more.

(Witness excused)

(At the conclusion of Mrs. Mary O'Brien's testimony, his Honor called recess until tomorrow morning at 10:00, again admonishing the jury according to law.)

PEOPLE vs. VINCENT DOON

NEW YORK, SEPTEMBER 25, 1940

(TRIAL CONTINUED)

Appearances: Same as heretofore noted.

MAJOR WINSTON FAVERILL, OF NEW YORK, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:*

DIRECT EXAMINATION BY MR. COLLINS:

Q. You are a Major in the United States Army Reserve, is that right? A. I am.

Q. Are you in any business, Major? A. Retired.

Q. What was your business before you retired? A. I was a manufacturer. Had a factory in Hoboken.

Q. What did you manufacture? A. Gifts, novelties, things like that.

Q. I see. How long have you known the Van Eyck family? A. It goes back many years. Van Eyck and I were classmates, in Harvard. During one year — that was our last year in college, we roomed together, in Thayer Hall.

* I have seen few men so pompous as the Major. Gray haired, hefty, with grayish, cold eyes, thin, weak lips. Yet his large forehead indicated intelligence, and the pearl gray suit, pin-striped with white, and the spats over black shoes, gave him a bankerish aspect. He seemed anxious to help us in any way he could. As he came to the stand, you could hear the crowd murmur at his strong, military bearing. J. M.

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Q. You knew Mr. Van Eyck's wife? A. I was best man at his wedding. She was lovely. I somehow do not believe this thing would have happened, had she lived. Betty — Betty is very like her. The same eyes — expression.

Q. When did you move in with the Van Eycks, Major? A. A year and a few months ago — shortly after she died.

Q. The reason? A. I guess it's just — people get older, you know. I was living alone, in the Prince George Hotel, down on 28th Street, off of Fifth. Often, maybe four or five times a week, I would go up to see Dick — Mr. Van Eyck. We'd play chess, talk over world affairs.

Q. That was after his wife died? A. Yes. He had a big family and household, of course. Still, he was lonely, like myself. Two old cronies. Dick asked me to come and stay. He said with the way things were going —

Q. What did he mean by "the way things were going"? A. He meant — the children getting older and all of that. He needed company, someone to talk his mind off of troubles.

Q. So you came up there? A. That's right.

Q. You know the defendant in this case? A. Slightly. I paid little attention to him. He was just another guest, as far as I was concerned. It was not my business, and I kept quiet.

Q. Will you tell us what happened, as you know it, on the evening of the murder, the evening before the stabbed body of Edwin Hallett was found? A. I'll tell you about it — as I know it, that is to say. I can't tell you what I don't know.

Q. We understand quite well, Major.* A. Well, there was dinner, you have heard that from the others. Nothing unusual — nothing out of the way, you know.

Q. What did you talk about, Major? A. Politics, mostly. That young Doon — he's a Socialist, or a Communist, or something of the sort, I think.

MR. STRONG: I object. Major Faverill is not qualified to decide —

THE COURT: Sustained. There is no evidence on that point, it is purely opinion.

Q. You were discussing politics? A. Yes, that and other things. The usual run of conversation. After the dinner, I went to my room for a few minutes. When I came back into the hall, I saw Dick. He told me the others were out, or up to their own mischief. I suggested we play some chess.

Q. You went into Mr. Van Eyck's room and played chess? A. Yes. We played two games, it seems to me now. I believe we quit at around eleven o'clock.

Q. All of this time you were in the room with Mr. Van Eyck? A. Yes, yes, that is right.

* There were moments when Collins' air of superiority annoyed me. He acted at times like a ringmaster putting the horses through their paces. I once met his wife at some legal affair — a large, bossy kind of woman, before whom Collins seemed quite docile. I often wondered if Collins' courtroom bravado wasn't partially due to the fact that at home, his wife cracked the whip. J. M.

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Q. Did you hear the phone ring during the evening at all? A. Not at all.
Q. What time did you retire? A. Around eleven. Dick and I were listening to the 10:45 news, in his room.
Q. You went right to bed after you had finished hearing the news? A. I didn't wait for it to finish. I was tired of hearing all that tragedy. I left before it was over.
Q. Went right to bed? A. After my bath.
Q. Getting to sleep about what time? A. Again, it would be utterly impossible for me to say exactly. I imagine it was about midnight.
Q. When did you first hear of the crime that had occurred in the house? A. The next morning. I was up about eight-thirty, or so. I took my time, shaving and getting dressed. It was after nine, I believe, when I heard someone shout down from upstairs. I opened my door, saw Dick was standing at his. "Something's happened, Win," he said. We started up the steps, Dick ahead of me. When we got to the top floor, we saw young Peter and the Doon fellow. We went into Hallett's room and we saw — what happened. A few minutes later, Betty came up the stairs. Before we could stop her she had pushed her way through and seen what it was. She almost fell into her father's arms. The butler, Squires, came up and then he helped to lead Betty downstairs. She was moaning to herself, saying things I couldn't quite understand.
Q. You remained on the top floor? A. Yes. We thought someone should be there.
Q. Who was the "we" you speak of? A. Dick, and that fellow Doon and myself.
Q. Did Doon say anything? A. I remember that Dick said something like, "We will look into this, Doon." He said, "You bet we will." While we were waiting — just standing there — I remember the defendant turned and stared at the body, said he "wished it hadn't happened." I was so shocked, I really do not think I paid a great deal of attention to it.
Q. Was that all that was said? A. Yes. Until the police came. Then, there was a good deal of confusion. I talked to an officer. I told him just about what I have told you here, perhaps not so detailed an account.
Q. Were you at the dinner table the night young Doon spoke of getting gifts at reduced prices? A. Yes, I was present on that occasion.
Q. Do you recall what young Hallett said? Did he show interest in Doon's suggestion? A. No, he didn't. Doon said he knew where he could get art work and gifts at one-third off for beautiful things. Hallett said nothing.
Q. Was the question of gifts, or paper cutters, or knives of any kind, brought up in the general company again? A. Not to my knowledge.
Q. Did you hear anyone going upstairs or coming downstairs, at any time during the evening? From the top floor to the third floor? A. No. I did hear someone — come upstairs, up the stairs from below, and go on up to the top floor. That was after we finished playing chess. I was in my bath. I don't know — don't know exactly what time.
Q. You did not make any special note of it? A. No, it was a commonplace thing.

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Q. Did you, at any time during the evening, hear a thud? A. No.
Q. No peculiar noise stands out in your mind? A. No — I can't really say so, you know. I didn't pay much attention.
Q. Was that because you were so engrossed in your game of chess? A. Either that, or when I was taking my bath, or listening to the news, or — asleep. There was plenty to occupy my own mind, to take my thoughts from any casual sounds.
Q. Did you hear anyone on your floor, after you had retired, open or shut their door? Think carefully, now. Was there any noise at all? A. I heard Peter's door open, about ten. About 11:10, I heard someone go upstairs.
Q. Did you know who the person was you heard going to the top floor? A. The step — I recognized that it was Doon's all right.

MR. STRONG: Object. That is an opinion.

THE COURT: Overruled. The sound of a man's walk may often identify him.

Q. And that no one else went up there? A. No one that I heard.
MR. COLLINS: Well, I believe that'll be all. Thank you, Major.
BY THE COURT:
Q. You have known the victim — Hallett — a long time? A. Quite a while. You might say that I have watched him grow up.
Q. Did you get on well with him? A. Decidedly yes. I agreed with his general outlook on life. He is — I should say was — a boy of breeding, education, background.
THE COURT: All right.

CROSS-EXAMINATION BY MR. STRONG:

Q. You are an army officer, Major? A. Yes.
Q. Retired? A. Yes.
Q. Did you serve overseas? A. Yes, I did. At the front. I received several citations for bravery.
Q. What branch of the army were you in, Major? A. Infantry. In charge of the 100th Infantry, 22nd Division. We led the charge at Hill 108. Half of my men were wiped out. But we rubbed out a full regiment of the enemy.
Q. When you came back from the war, how old were you? A. Twenty-seven, I believe. Or twenty-eight.
Q. That would mean that today you are about forty-seven? A. Forty-eight. But I do not see —
Q. After your return, you went into business? A. Yes, of course.
Q. What business? A. I have already said — I started a factory in New Jersey. A gift factory.
Q. Where did you get the money with which to start this factory, Major? A. From a friend of mine, a banker.

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Q. What was his name? A. His name? I — I don't wish to give his name here in public.

Q. What was his name? A. (No answer).

MR. STRONG: Your Honor —

THE COURT: The witness will have to answer the question.

THE WITNESS: Is it absolutely necessary that I reveal personal facts which have no bearing —

THE COURT: In this instance, I believe so.

Q. What was his name? A. It was — it was Mrs. Van Eyck.

Q. You mean — you borrowed money to start a factory, and it was Mrs. Van Eyck who loaned the money to you? A. Yes. That is correct. I did not wish to reveal her name because — I have always felt ashamed of borrowing money from a woman. When I returned from the war, I was almost destitute, you understand. I had always been used to what you might call good things. I needed money. The Van Eycks were the only ones I could turn to. Dick's business was not going too well, but Mrs. Van Eyck, she had money. That was how I got the funds to finance my business. Shortly before she died, I borrowed money again from her, for refinancing.

Q. Were you ever married, Major? A. Matrimony? No.

Q. Why not? A. I —

MR. COLLINS: Don't answer that. Your Honor, just where does the defense attorney think he is going, what does he think he is doing, putting every witness on trial for murder? I object to all of this kind of questioning.

THE COURT: I was about to bring up the same point, myself. Counsel seems to me to be overstepping bounds.

MR. STRONG: Your Honor, if you will give me the time, I will show the connection. This witness appears to be an important link in the chain of circumstances the state is attempting to build up. His background has been brought out, to some extent, by the People. I am merely trying to bring out further points in an effort to locate the weakest link in this chain.

THE COURT: We don't intend to permit attorneys to waste time with irrelevant questions. But the Court will allow the questions, provided connection is shown in the course of testimony.

MR. STRONG: We will show it, your Honor.

Q. Why did you never marry? A. Because I never met anyone with whom I was in love.

Q. You testified that you were living alone at the Prince George Hotel, that you came to live with the Van Eycks after the death of Mrs. Van Eyck? A. Yes.

Q. That you did not know this fellow Doon until he came into the household? A. Yes.

Q. But had you known Ed Hallett for some years? A. Yes. I met him often at the Van Eyck home.

Q. Do you belong to any clubs, Major? A. Yes, I do. The Harvard Club, the Univer-

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sity Club, the Spey — a few others.

Q. Who pays the bills for your membership? Do you? A. Yes, of course, I do. I have my money.

Q. Money you received when you sold out your plant in New Jersey? A. Precisely.

Q. How long have you belonged to these clubs, Major? A. Why — fifteen, twenty years. I don't know exactly.

Q. Have you any other outside interests, in a business way, Major? A. Not any more.

Q. Not any at all? A. I have a few securities. Investments.

Q. Where? A. Oil fields in Texas. Is there anything wrong with that?

Q. Do you remember the telephone which was installed in Hallett's room? A. Of course.

Q. What made you so interested in it? A. What do you mean — interested in it?

Q. I mean, why were you so anxious to be with the man who installed it? A. I — who said I was interested?

Q. We have heard testimony here that you were with the man who installed it. Is that so? A. Yes, it is.

Q. Why did you want to be with him? A. I'm naturally interested in mechanical things. I merely wanted to see how it was done, what was done. I had no other interest whatsoever.

Q. What did you and the telephone man talk about as he was installing the phone? A. We didn't talk about much. I watched him as he was putting it in, asked a few questions about it, what this wire was for, or that. I happen to like things of that order.

Q. Enough to waste time talking with a telephone installing man? A. Mechanical things have always intrigued me.

Q. How long did you stay with him? A. The telephone man? Fifteen or twenty minutes.

Q. Did you learn anything? A. Yes. I guess so.

Q. Very well, Major. Now, getting back. You belong to those clubs, have belonged to them for some time, is that correct? A. Yes, it is.

Q. Yet you said you were living at the Prince George Hotel and were very lonely. How do those fit? A. Who said they did fit, anyway? I was lonely, of course, I was lonely. A hotel isn't any place for a man to grow old in. A club — a club is all right, I suppose. I like to go to them. But they are no place to live in either.

Q. The night of the crime, you say you were in playing chess with Mr. Van Eyck? That you played until almost eleven? Till a few minutes before eleven? A. Yes.

Q. Isn't it so that while you were in the bath, anyone could have gone up the stairs and committed that crime, without you hearing? A. No. I actually heard one person go upstairs while I was in the bath. Besides, there have been other occasions.

Q. What do you mean — other occasions? A. I have heard people going up the stairs, on other occasions, while I was in the bath.

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Q. Who? A. I don't know.
Q. You only heard footsteps? A. Yes, that was all. And I could not say whose.
Q. Were they the steps of a man or a woman? A. I couldn't say. People often went up and downstairs at night.
Q. And you heard that — over the running of your tub? A. Yes.
Q. Did you hear any woman's steps on that night? A. No. It was Doon I heard — and actually he admits going up about that time.
Q. Did you hear anything after you got back to your room? A. No.
Q. You did not hear the phone ring, at any time after your return from the bath? A. No, I did not.
Q. You would have heard it, had it rung? A. I might have dropped off to sleep and missed it. I wouldn't swear that it didn't ring.
Q. As far as you know, it didn't. A. No.
Q. Coming back to the question of the man who installed the telephone — do you remember any details of what he told you that day? A. Details? I — I don't think so, no. I don't think so.
Q. You say you played chess every night with Mr. Van Eyck? A. Not every night. I played a good deal with him. We have — a little competition on.
Q. What kind of competition is that? A. Well, we are playing five hundred games, and the one who loses will pay five hundred dollars to the winner.
Q. How do the games stand now, do you recall? A. Two hundred and five to one hundred and ten.
Q. And who is leading? A. He is.
Q. Are you expert chess players? A. Not that good. We have both been in important competitions, though.

MR. COLLINS: What has all this to do with the case? Is he going to prove one of the chessmen committed the crime?

THE COURT: I agree. Strike out all of that.

Q. You say you and the defendant had political disputes? A. Discussions. The defendant had quite strong ideas about politics, with which I could not agree.
Q. Did Mr. Doon ever make, in your presence, any threats against Ed Hallett? A. I wouldn't say threats.
Q. Did you notice that Mr. Doon and Hallett seemed to be getting along better, during the last two or three days? A. I didn't notice. I already had seen enough to show me how they felt toward each other, and I didn't pay much more attention.
Q. You liked Hallett? A. Yes, I liked him. There were times when he seemed a bit too serious, too concerned only with business. But he was an ambitious young man, climbing fast.
Q. You believed he would make a good husband? A. Yes. Once I did talk with him about that. Asked him how he thought they'd get along, pointed out that love sometimes goes away and something has to be left — friendship, community of interests.

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He told me he looked on Betty as a priceless possession, that she had a mind beyond his sphere at times, that he didn't understand her but he did love her. There could be no doubt that he meant it. I felt reassured. Hallett had so few friends, outside of his business associates, that I had at times worried about it. He wasn't a real mixer.
Q. Was he quarrelsome with people? A. No. Not at all. I think people liked him, when they got to know him. Only, it was hard to get to know him.
Q. He did quarrel with Mr. Doon? A. That was understandable.
Q. You did not hear Mr. Doon speak of any gifts or paper cutters except that evening at the dinner table? A. That is right.
Q. You've known Betty Van Eyck all her life, haven't you? A. I am her godfather.
Q. You watched her grow, from a child, to a mature and beautiful woman? Didn't you? A. Yes. I did. A very beautiful woman.
Q. Major, isn't it true that you were in love with Betty Van Eyck yourself? A. That is the most preposterous insinuation I ever heard. I am old enough to be her father.
Q. You were in love with her mother at one time, however, weren't you? A. I — I was fond of her mother, yes. I — I knew her mother well. I was never in love with her. She was Dick's girl.
MR. STRONG: All right, Major. That is all.
MR. COLLINS: I have no more questions.
(Witness excused)

NORA AVERY, OF WESTON, MASSACHUSETTS, CALLED AS A WITNESS IN BEHALF OF THE PEOPLE, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. COLLINS:

Q. Your name and address, please? A. Nora Avery, Heartbreak Hill, Weston, Massachusetts.
Q. And your business? A. I'm not in business. I guess you say I'm at home.
MR. COLLINS: Your Honor, the attorney for the defense just remarked that she means she does nothing. I wish you would ask him to refrain from irrelevant comment while I examine witnesses. It is difficult —
THE COURT: I did not hear him. But everyone is required to maintain quiet

* She was a slender, small-breasted girl, and reminded me of a canary bird, although she was brunette. Her manner and costume had that somewhat anxious reserve of the cultured New Englander. For all her French heels, she stood scarcely over five feet. During her testimony she was calm and determined, but one knew she resented the fact that Collins and Strong had any right to pry into matters purely personal. J. M.

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while witnesses are testifying.

MR. STRONG: I was only explaining her expression to my associate, Mr. Matthews. I do regret upsetting the District Attorney.

Q. How old are you? A. I'm twenty.

Q. Were you staying as a guest of Miss Van Eyck in New York at the time of the crime? A. Yes. We lived together all through our college — Simmons. That's how we came to be such good friends.

Q. How did you happen to be there? A. Bet — that's my pet name for Betty — invited me. I hadn't seen her since January when she was on her visit to Boston. We wrote to each other, frequently. One day — about April first — I received a letter from her. She asked me to come to stay with her for a few days, if I possibly could, because she said there were people in the house and she needed me to help her and she said besides that she was in an emotional upset.

Q. You came to New York? A. Yes. I'd never let Bet down. I had to give up things, too — dances and parties I was supposed to go to, you know, but Bet needed me.

Q. What time did you arrive? A. I went over on the sleeper from Boston. Got in the next morning. April second.

Q. Did Betty tell you there was any unusual situation there? A. She didn't have to. I knew. Right away. Just the second I learned Vincent Doon was in the house, and Ed Hallett, too.

Q. Had you known them before, Doon or Hallett? A. Oh, Ed, of course — he used to come up for dances at college. But Vincent Doon I never knew.

Q. Did Betty ever mention him to you? A. Very casually. She wrote me of all her affairs and things, different boys she'd meet, but I guess she never thought much of Vincent Doon.

MR. STRONG: Your Honor, this witness is drawing all sorts of conclusions, inferences. I wish she would restrict herself to the facts, if she could.

THE COURT: I must ask the witness to tell us none of her opinions. We want to know only what actually happened.

THE WITNESS: It's not an opinion. It's a fact. I know. I've known Bet long enough, I can tell —

THE COURT: The witness will have to answer the questions and stop trying to tell the court the difference between fact and opinion.

Q. Miss Avery, did Betty tell you why she had asked you over? A. Oh, yes — she explained it all to me, in detail. She said that with two men in the house, she needed some one to help her. And she thought maybe I wouldn't mind going out as Vincent Doon's date —

Q. Of course, you did that? A. Not — not exactly.

Q. What do you mean? A. Well, twice while I was there, we all went out together — the four of us. But it was always — strained. No one really seemed to be with anyone.

Q. You did not enjoy the parties? A. No. We — we just talked about the weather, and

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things, and no one was having a good time — We had dinner, a cocktail, a dance or so, and we came right home.

Q. Did you get to talk with Vinnie much? A. Not much. Of course, I knew Ed and Bet so much better, so even when we went out, we three chatted about things — things we knew, and he was out of the conversation.

Q. Did Betty Van Eyck inform you she was attracted to the defendant? A. Oh, yes.

Q. When did she tell you? A. That first night. The four of us went out for dinner. We came back early. About nine. And Bet and I went right to our room, that is, her room.

Q. It was then you learned the real situation? A. While we were undressing. We took our time, because it was early. Bet told me all about the situation — it was just exactly what she said on the stand. Everything she said was true.

Q. To be sure. But what about this part about Miss Van Eyck being in love with the defendant? * A. Yes. She said she thought she was in love with Vinnie. But she told me she intended to marry Ed, and put Vinnie out of her mind entirely.

Q. Why was that? A. Well, she was sure that Ed was more of her own circle — and — there was some other reason but she didn't explain. She said there were things I wouldn't understand.

Q. She told you all of this that first night? A. Yes, and she asked me to be nice to Vinnie. But really, she was almost casual about it. I didn't pay much attention to her talk about being in love with Vinnie. I took it as a joke, I guess.

Q. She asked you to be nice to Vinnie, though, didn't she? A. Yes. But I couldn't be very nice to him — I didn't like him.

Q. What happened on the second date in which you four went out together? A. Nothing happened — it was the same as the first. We went to the Diamond Horseshoe. It was attractive — that is, the restaurant. The party was a fizzle. Just like the first. No one talked and everyone seemed on edge — and we went home early.

Q. When did this party occur, Miss Avery? A. It occurred the evening before the night of the crime.

Q. On April 7th? A. I can't remember dates. But they found him on the ninth, we had dinner at home on the eighth — then the seventh — that was the night we went out.†

Q. As to the night of the crime? A. That was just as Bet told you. We were all there at dinner. It was over about seven-thirty o'clock. It may have been a little later. We all went out into the hall, and while we were out there, Bet and Ed talked a little. Then Bet and I went to our room.

Q. Miss Van Eyck testified that she and you had lots to talk over about the party on the forthcoming day. Is that correct? A. Of course.

* It was obvious that Collins was a trifle puzzled and worried about this point and what it would do to his case. J. M.

† She counted it off on her fingers. J. M.

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Q. What time did you get to sleep? A. Oh, I know it was late because we talked late. It must have been about midnight.

Q. Did you hear the phone ring during the evening? A. No, not at all.

Q. What time did you wake up the next morning? A. About nine-fifteen, as near as I remember. I know we were in bed and all of a sudden I woke up when I heard shouting of some kind — what sounded like something terrific had happened. We hurried outside to see what it was.

Q. Did you go upstairs with Miss Van Eyck? A. No — I didn't.

Q. Why was that? A. Oh, I didn't know what had happened, and I thought it must be something that was a family affair and it wouldn't be good for me to be there, being only a friend and all that. So I just — thought I'd stay behind.

Q. Where did you stay? A. I waited by the door. I was, naturally, interested to find out what all the fuss was about.

Q. When did you actually find out about it? A. When — I heard Peter calling the police.

Q. Did you go upstairs? A. No, I didn't. When Peter finished calling, he came out of his father's room. He seemed excited. He said Ed had met with an accident. Then, he sort of blurted it out — what had happened.

Q. Did you say anything? A. I couldn't. It was just so horrible — I'm — well, I'm not used to things like this happening. Then Squires led Bet to her room. She was in trouble, she needed me. I went to her.

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Q. Where did they take her? A. To our room, that's really her room. We put her on the bed. She seemed faint, and it was a long time before she came to again. Then Mary, the cook, came in and took command, so to speak. I don't remember details — I was numb, unable to feel — anything. She kept me busy seeing after water and things. There were a lot of people coming and going and clumping up and down the stairs and I knew they were police. Bet sat up, in a little while. She said things were awful — that something had to be done.

Q. She explained what she meant? A. Well, I remember she said to me, "Vinnie did it, Nora —"

MR. STRONG: I object to that as hearsay and highly prejudicial to the defendant —

THE COURT: Beyond dispute it is hearsay evidence, pure and simple. Strike it from the record.

Q. Anyway, you did discuss it there? A. We discussed it and I told her I thought we ought to do our best to keep things from becoming too much of a scandal.

Q. Did she agree? A. Bet is stubborn, at times. I could see what was right, but she didn't. I knew the best thing we could do was to say the least. Bet said she was so upset she didn't know what to do. I told her not to let anyone know if she really cared for Vinnie because it would make things look even worse for Vinnie.

Q. This was what you suggested she do, the course of action you proposed? A. Yes, it was. She — she said she didn't know what to do.

Q. Was it at your suggestion that she went to hire an attorney for the defendant? A. No. That was her idea. She did tell me she would have gone to her father for help, only he didn't like Doon —

MR. STRONG: I object. This is nothing but hearsay. It seems to me that the District Attorney can keep her from saying these things which she does not know of her own knowledge.

THE COURT: Sustained.

MR. COLLINS: I'm sorry, your Honor. Not being clairvoyant, like Mr. Strong, I can't know what the witness is going to say until after she has said it. I'm only too glad to have hearsay evidence stricken.

Q. The only reason, therefore, that Betty didn't tell the court at first that she thought she was in love with Doon was that she wanted to prevent any tinge of scandal from touching her name? A. Yes. At my suggestion.

MR. STRONG: The District Attorney must know better than to ask a question as leading as that.

THE COURT: Sustained. Strike that out.

Q. What was the reason Miss Van Eyck did not at first say she was in love with the defendant? A. Why — it was merely to prevent any kind of scandal.

Q. Being in a distracted state, she acted on your advice? A. Yes. Perhaps my advice wasn't just right, but — well, I don't know much about legal red tape, you know.

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Q. There's one matter I'd like to clear up, Miss Avery. The question of fingerprints. Our police experts have testified that your fingerprints were on the doorknob in Hallett's room — the outside knob. I — how did they happen to be there, can you remember? A. Oh, the book, of course. I had borrowed a book from Ed, the day before. I remembered he wanted it back. So I hurried upstairs to return it. I thought it was strange I didn't see any light under the door. I knocked softly — when I didn't get an answer, I tried the door — it was locked. I thought that was odd, but after all, it was his room. I thought he had either gone to bed or else gone out — so I just went on back downstairs.

Q. This happened about eleven-thirty? A. Yes. The horrible thing is — he was probably dead — dead in there —

Q. And the murderer — A. Yes. He may have been inside. He may have been there. When I think of it! I get shivers.

Q. You had no other reason, then, for going up, except to return this book? A. Oh, none. That was the reason.

Q. How do you explain the fact that no one seems to have heard you go upstairs? A. Well, I was in my dressing gown and had on bedroom slippers — they're soft. I didn't make much noise, I guess. That must be why.

MR. COLLINS: That is all. Your witness, Mr. Strong.

CROSS-EXAMINATION BY MR. STRONG:

Q. You testified that you told one of the witnesses at this trial to lie, is that correct? A. It certainly is not.

Q. Didn't you say that you told Miss Van Eyck not to say that she was in love with Vincent Doon? A. Yes, I did that.

Q. And didn't she tell you — from her own lips — that she was in love with him? A. She said she thought she was.

Q. But you told her to say she loved Hallett? A. I advised her that it was the best thing to do.

Q. Therefore you advised a witness to tell a lie. Isn't that the case? A. No. She was going to marry Hallett.

Q. You couldn't say it was the truth? A. Why, certainly. It isn't a lie to say you are in love with the man you plan to marry. She was going to marry Hallett — it would have been scandalous to say she was in love with anyone else, wouldn't it?

Q. You're here to answer questions, Miss Avery, not to pose them. You knew she doubted she was in love with him, according to what you have told the court. Isn't that true? A. Yes. I suppose so.

Q. And so, to the best of your knowledge, you were urging her to tell a lie? A. No, I was not.

Q. All right, Miss Avery. At any rate, you did wish to prevent personal scandal from

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attaching to your friend's name? A. Yes. Bet is too fine a person to have this sort of thing happen to her. It's ridiculous to think she could be mixed up —

Q. Didn't you realize that it would look pretty bad for Vincent Doon — worse than the actual facts — if Betty Van Eyck said she loved Hallett? A. I didn't think about that.

MR. COLLINS: This is asking for the witness to form an opinion.

THE COURT: Sustained.

Q. You didn't bother to think of the defendant's position in giving this advice? A. Why should I think of him? I didn't really know him, he was no friend of mine —

Q. You didn't like him, did you? A. No, I didn't.

Q. Even after he was arrested, charged with murder, and you knew that he might be innocent? Even then, you didn't think it would be better if all the truth were told? A. I didn't see what difference it would make, whether Bet loved him or not. How could anything Bet did or said change the facts? The murder had already happened; either Vinnie did it or didn't.

Q. But an innocent man might be convicted, if the wrong facts were presented. Didn't you see that? A. Oh, no.

Q. You really didn't think about that at all, did you? A. The defendant? No, I didn't.

Q. But you pretended that what you were advising Betty to say was actually for Vincent Doon's good, didn't you? A. I told her that. She was so upset. She didn't want to do anything to harm Vinnie — but, still, she was so disturbed over what had happened —

Q. So you thought it was proper to convince her to your way of thinking, even though you didn't care what happened to Doon? A. I knew I was right.

Q. What was the letter you read, while Betty was on the bed? A. Letter? Oh, the one cook spoke of? It was the letter Betty sent me, asking me to come. I was so confused, after the tragedy, I wanted to see if there were any hint — any clew — that she expected trouble.

Q. Was there? A. Only that she was in an emotional upset and needed me. Nothing more.

Q. You went upstairs to return a book, is that correct? A. Yes.

Q. What time was it? A. About eleven-thirty.

Q. Eleven-thirty. Isn't that a rather curious time to decide to return a book you had borrowed? A. I don't think so.

Q. You weren't dressed? A. Of course, I was — I was in my dressing gown. After all, you don't have to be on strict formality all the time, in your home.

Q. But this wasn't your home. Why did you choose this particular time to return your book? A. Well, I thought perhaps he might need it, and it was his, and I wished to return it to him.

Q. That was all? A. Yes —

MR. COLLINS: One minute. What kind of insinuations are these, which the

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defense attorney is making? What right has he —

THE COURT: He has a right to question the witness regarding her motives for going to the scene of the crime at approximately the time of the murder.

Q. You had no other motive, did not wish to speak with Hallett? A. I did want to tell him I appreciated his lending me the book.

Q. What book was it? A. It was Menken's Mercantile Theory.

Q. Why were you reading this book? A. Because I wanted to.

Q. That's no answer. Were you especially interested in mercantile problems? A. No. But — well, Ed had talked about this book a good deal, and I asked him if I could read it.

Q. You enjoyed this book? A. Yes, very much.

Q. What is Mr. Menken's theory of mercantilism? A. What?

Q. What is his theory of mercantilism? A. (No answer.)

Q. Will you answer the question?

MR. COLLINS: If it is not being too impertinent, may I ask what Mr. Menken's theories have to do with who murdered Edwin Hallett?

THE COURT: The witness has stated she read the book. Counsel evidently is giving her a slight examination on it.

MR. COLLINS: It has nothing to do with the case, your Honor, and I object.

THE COURT: It does involve her credibility. Overruled.

Q. Please answer the question. A. I can't remember details like that. I'm not really so terribly interested in the subject. It was just that — Ed was so interested.

Q. And you wanted to please him? A. Yes, in a way. Betty was never very interested in things of that nature. I thought I could fill a gap — and I knew it would make Ed happy. I didn't read it carefully — it was pretty heavy.

Q. What did you care about making Ed happy? A. I liked him, he was a fine person, a real person. Betty — sometimes Betty didn't see it that way. She didn't appreciate him as much as she should have. I tried to help out.

Q. You liked him a great deal, didn't you? A. If I knew who killed him I — I wouldn't be responsible.

Q. Liking him so much, I should think that you might have been jealous of Betty. Were you ever? A. Jealous? Of all absurdities. Such an idea never entered my head. Ed and I weren't for each other. He couldn't see anyone else in all the world but Betty. He told me that. That was why I felt so badly, when I saw how she was attracted to Doon — with a man like Ed in love with her.

Q. You appreciated the sturdy qualities in Hallett, even more than Betty did? A. He was our kind. He fitted into our world. He was on his way to being a leader, to go ahead of the others. Nothing would stop him — nothing but a filthy murderer's hand. You could admire him and look up to him and —

Q. Were you going to say love, Miss Avery? A. I don't mean that. Not that way. But

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perhaps in another way — I mean a more spiritual way.*

Q. You felt a kind of spiritual affection for him, is that it? A. It had nothing to do with — the physical. I never thought of it, never thought of it at all. It was only — only something deep inside.

Q. Yet you still claim that the only reason you went upstairs was to return that book? A. Of course.

Q. You had no other aim — perhaps to have a chat with him? A. I might have chatted a moment, if he — if he — but he was dead. He was dead, I didn't know it, but he was dead.

Q. Did Ed Hallett ever — ever make love to you? A. No, never. I didn't — I wouldn't — I —

Q. You didn't what? A. He was Betty's. I couldn't have done anything to hurt her, you know.

Q. But you would have sat there and talked with him, in his bedroom, with a thin dressing gown on, wouldn't you? A. I — there's nothing wrong with talking to someone. That's all it was going to be, at the most. I wasn't going to — oh, what a vile idea!

MR. COLLINS: I must ask the court, does this witness have to be subjected to such a line of questioning? A young woman of spotless character, who has done nothing wrong? To be humiliated like this?

MR. STRONG: Your Honor, I am sorry — as sorry as my opponent — that this witness must be humiliated, if that's what it is. This is a murder trial, a man's life is at stake. This witness has admitted that she advised her friend to withhold the truth. I won't let a man die unjustly, merely to spare a young lady's feelings.

THE COURT: The question as to why she went upstairs at that time is of importance. I must agree with defense counsel here and overrule.

Q. You were counting then, on a few words, a chat, with the victim, is that right? A. I suppose so. I didn't really think about it. Perhaps I was wrong. It seems to me the evil is in your mind. There was none in mine.

Q. Didn't you fear that being up there — with a man to whom you were so attracted — might be dangerous? After all, he was only human. A. I never allowed myself to think of such things. My — my feelings for him were — well, they weren't born in any physical attraction, had nothing to do with — with that sort of thing.

Q. And you weren't afraid that anything might happen? That one of you would be swept away —? A. Nothing was going to happen. Ed wasn't that kind of a man.

Q. You were sure of that. Had any previous — er — experience indicated that he couldn't be tempted? A. (No answer.)

* She actually seemed surprised at herself as she gave this testimony, as though she had revealed something she had never admitted before, even to herself — as though she suddenly realized it was she, and not Betty, who loved Hallett. J. M.

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MR. STRONG: All right, Miss Avery. That's all.*

MR. COLLINS: Just a second, please. I've another question, if you don't mind, Miss Avery.

RE-DIRECT EXAMINATION BY MR. COLLINS:

Q. Did you ever hear the defendant make any physical threats against the victim? A. How do you mean?

Q. Did he ever actually threaten to do harm to Ed Hallett, to your knowledge? Think carefully, Miss Avery.† A. He did — once. It gave me the creeps.

Q. When? A. It was the second night we were out. At the Diamond Horseshoe. We were all sitting at the table there. The music was playing — some kind of waltz. Ed asked Bet to dance with him. That was the only time they danced that evening. As you know, the party was not much fun. As they rose from the table, Vinnie stood up. They began to dance. Vinnie stood there watching them, just stood there.

Q. Did he ask you to dance? A. No. He sat down, slowly. He kept his eyes on them. After a minute he looked at me. I noticed how flushed his face was. He said — he said: "He's the only person in the world I'd like to see dead, Nora. He's the only person in the world I could kill."

Q. You are quoting, Miss Avery? A. Yes, the words naturally stand out in my mind. They were the first thing I recalled — when I heard that Ed was dead.

Q. And that was on April 7, the night before the crime was committed? A. Yes.

MR. COLLINS: Thank you. That is all. The People rest, if your Honor please.

MR. STRONG: Ordinarily, following custom, your Honor, the defense would ask for a dismissal of indictment, on the grounds that the People have failed to prove their charges beyond a reasonable doubt. In this instance, however, I will not do so. The charges against the defendant are purely circumstantial, but of such a nature that they can be answered only by a positive defense. This we intend to present to the court.

(Whereupon, the jury being once more duly admonished, a recess was taken until 2:15 p. m.)

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* Strong here took brilliant advantage of the witness' inability to frame a quick anwer to a difficult question. It was easy to see that he had left the jury with an impression it would be almost impossible for Collins to efface. He had also given the newspaper men another sensational development. J. M.

† Collins was obviously trying to give the girl time in which to regain her composure. J. M.

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AFTER RECESS

THE DEFENSE

PATROLMAN RICHARD T. McLEAN, PREVIOUSLY SWORN, CALLED AS A WITNESS IN BEHALF OF THE DEFENSE, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION BY MR. STRONG:

Q. You previously testified for the People, regarding your activities at the crime scene? A. Yes.

THE COURT: Am I to understand that this witness is now a witness for the defense?

MR. STRONG: Yes, your Honor.

THE COURT: Very well, he is a witness for the defense.

Q. At that time, you referred to an odor you associated with the handkerchief found in the death room — the one with the initial "D" on it? A. Yes. It wasn't much of the handkerchief left, you understand. I recognized that smell as one having perfume on it. I thought it was perfume, or something like perfume.

MR. COLLINS: Object. We have no reason to accept him as an expert —

MR. STRONG: I thought we had been all through this. The witness has a reputation for being an expert on odors —

THE COURT: I will accept his testimony on this point.

Q. Later you located a young woman wearing the same perfume? A. Yes, sir, in a hat store, giving the name of Daphne Borden.

Q. She was the girl you had earlier seen in the courtroom? A. She was.

Q. What we want to find out especially, officer, is this — the perfume odor, was it unusual, so unusual that you would not find it on a number of persons? A. I would say that it was. It was sweet, that was what struck me. Perfume isn't often so sweet. This was almost sickly sweet.

Q. And therefore, not an ordinary perfume? A. By no means.

MR. STRONG: The defense thanks you, officer, for your help, particularly the efforts you went to to locate Miss Borden.

MR. COLLINS: Just a minute. I've a few questions to ask.

CROSS-EXAMINATION BY MR. COLLINS:

Q. How do you happen to be able to state that the odor you smelled on the handker-

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chief and the odor you smelled on this girl were the same? How can you be positive? A. Well, there's nothing absolutely positive about it. It's just that I recognized it again. Odors stick in my mind.

Q. You might be mistaken? You could smell one odor one time, and another the next — and think they were the same, couldn't you? A. No, sir. I couldn't. Not when one of them sticks in my mind, I couldn't.

MR. COLLINS: That's all.

MR. STRONG: No more questions.

(Witness excused)

DAPHNE BORDEN, OF 41-44 PARK AVENUE, NEW YORK, N. Y., CALLED AS A WITNESS IN BEHALF OF THE DEFENSE, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. STRONG:

Q. You live with your family at 41-44 Park Avenue, and are a friend of Peter Van Eyck? A. Yes.

Q. As a matter of fact, aren't you engaged to marry him? A. We have an understanding.

Q. What do you mean by an understanding? A. I — he asked me to marry him, and I told him I would — when he got himself a job.

Q. Does his family, or yours, know about this understanding? A. Mine does. We hadn't told his yet.

Q. Because you are afraid of their reaction?

MR. COLLINS: It's a leading question.

THE COURT: Sustained. Strike it out.

Q. Why didn't you tell his family? A. We — we just didn't.

Q. Were you afraid to tell them? A. They didn't like me too much, if that's what you mean. I don't mind telling you. They didn't like me. What do I care — what does Peter care?

Q. Now, just a minute. There's no reason to get excited.

MR. COLLINS: I don't see any reason for all this questioning. I object. What connection has this witness with the case, anyway?

THE COURT: I presume that counsel intends to show the connection. I don't feel that it is out of place to know something of the reasons behind the

* She was only about twenty-one, but her lips and cheeks were thick with rouge. The glitter of her large diamond brooch matched the flash of scorn in her eyes. Both were in bad taste in a courtroom. J. M.

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actions of the witnesses, provided they are pertinent to the matter at hand.

Q. I'd like to get to the matter of the perfume you use, Miss Borden. Do you put it on your handkerchiefs? A. Perfume? Yes — I put perfume on my handkerchief. What girl doesn't?

Q. You do? And what kind of perfume do you use, Miss Borden? A. It's a special kind. Made specially for me. Peter gave it to me.

Q. Did you purchase the perfume, or he? A. He and I got it together.

Q. Where? A. It was at Chimerics, on 57th Street. A French perfumer. Makes up stuff to suit your personality. This — this was an exotic type, he told us.

Q. You wore the perfume because Peter gave it to you? A. I did, yes.

Q. I have here a handkerchief. People's Exhibit No. 11. Do you recognize this? A. It is part — I believe it is my handkerchief — or part of it. Yes, I'm positive — I had it embroidered especially for me. It could be mistaken for a man's handkerchief because I have the initial made so large.

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Q. Do you know where this was found? A. I believe I do — I have read in the papers — *

Q. We don't care what you saw in the papers, Miss Borden. This exhibit has been introduced by the People, who also presented evidence to prove that it was found in the fireplace of the room where the body of Hallett was found. A. Yes, I —

Q. Do you have any idea how it could have gotten there? A. No, I have no idea in the world.

Q. Were any of your handkerchiefs in the household of the Van Eycks? A. Not that I know.

Q. Did you give a handkerchief of this kind to Peter Van Eyck? A. I don't remember.

Q. You didn't put this handkerchief there yourself, did you? A. No, of course not.

Q. Were any of your handkerchiefs missing? A. I'm always misplacing handkerchiefs. I don't know.

Q. So you have no idea how it could have come there, but you do admit it was your own handkerchief? A. Yes.

MR. COLLINS: I'd like to ask, is this a witness for the defense or not? Counsel appears to be cross-examining his own witness.

MR. STRONG: I'm not challenging her statements. I'm only trying to elicit the truth, which I'm sure she is willing to give, but merely, by reason of faulty memory, is unable to give me in direct fashion. A psychoanalyst doesn't cross-examine his patients, but he asks a number of questions.

MR. COLLINS: By his tone, your Honor, one would be led to suspect that he is attempting to cross-examine her.

THE COURT: He is within his rights to ask the witness questions of this kind, if his attempt is only to bring forth information she has forgotten.

Q. You know Mr. Doon? A. I've met him several times.

Q. Did you know anything of the circumstances in the household — the Van Eyck household? A. Not much, except what Peter has told me.

Q. Did you know Ed Hallett? A. Yes, I knew him.

Q. Did you go to the Van Eyck home often? A. Sometimes. But they don't like me — and I don't like them. They think I'm — wicked.

Q. When you were at the Van Eyck home, did the family ever express any ill feeling toward you? A. No, I wouldn't say that. They only showed it by their — sort of passive resistance.

Q. Despite all this, you intended to marry Peter Van Eyck? A. Yes, I did.

Q. Why did you leave the courtroom that day when Officer McLean first testified? A. I — I just lost the heart to stay through it. It was all so — so tragic. I wanted to get out.

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* Here, her lips twisted, as though she were afraid of something — but were ready to lie her head off about it. J. M.

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Q. What was your purpose in going into the hat store? A. I was looking for a hat, of course.

Q. Immediately after leaving the courtroom in a discouraged state of mind? A. Yes. I walked along the street, trying to forget the tragedy that happened in Peter's home. Then — then I saw that hat shop — I remembered something my father once said. He told me that whenever the world seemed upside down, to buy myself a new hat and it would right itself in no time. He said he gave that advice to all beautiful women.*

Q. So it was only to cheer yourself up that you were trying on hats. A. Yes. But it was a cheap little store. They didn't have what I wanted.

MR. STRONG: Very well, Miss Borden. That will be all.

CROSS-EXAMINATION BY MR. COLLINS:

Q. Miss Borden, are you positive this is your handkerchief? A. Yes, positive.

Q. How can you be sure? A. I had it embroidered for me.

Q. Wouldn't it be possible for some other handkerchief to look the same? A. It would be, I guess. But that is my handkerchief. Besides — there is the perfume.

Q. When did you first know that it was your handkerchief — when did you first hear about a handkerchief having been found?

MR. STRONG: He has asked two questions there. Which one is he asking?

MR. COLLINS: I'm asking whatever questions I feel like, and I need no help from defense counsel.

MR. STRONG: She can't answer both at once.

THE COURT: There do appear to be two questions asked.

Q. When did you first hear that the handkerchief had been found? A. When — I read it in the paper.

Q. Why didn't you come forward? A. I didn't know it was mine.

Q. You had a reasonable idea that it was yours? A. A suspicion only.

Q. You didn't think you should tell anyone about it? A. At first, I didn't. But —

Q. As a matter of fact, you were afraid of becoming involved in this case, wasn't that it? A. Very much. I hate publicity.

Q. Did you talk it over with your fiancé. A. Yes.

Q. You and he decided that you had better not tell anyone? A. Yes — that is, at first.

Q. You can answer that yes or no. A. Well — no.

Q. Didn't you just a minute ago say you did decide not to tell anyone? A. Yes, we did. But we changed our minds.

Q. You decided not to tell the truth, to protect your own delicate skin —

MR. STRONG: I object to the tone of the District Attorney in examining

* She was smiling as she spoke. I noticed one of the women in the jury box smiled also. J. M.

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this witness. She has committed no crime, and has done her best to co-operate in this case. The District Attorney has no right to question her in the way he has been doing.

THE COURT: Sustained. The attorney for the People is becoming too abusive in his questioning of this witness. Strike out that question.

MR. COLLINS: I am sorry if my emotions got the better of me. I know she is not telling the truth.

THE COURT: That is a strong statement.

MR. COLLINS: I know enough about women, your Honor—

THE COURT: I had supposed no one knew enough about women.

MR. COLLINS: Just the same, as a law officer, I know —

THE WITNESS: Well, you're right. I have been holding back. If you want I'll tell you an interesting story — and it happens to be true.

MR. COLLINS: I thought as much.

THE WITNESS: I was in the house — the Van Eyck house — the night of the murder.

THE COURT: Order — I'll have order, or I'll clear the court. Continue.*

Q. Will you tell us about it, please? A. I didn't want to tell this. Peter told me not to. But — but if Doon didn't do it, it looks, it might look like Peter. I couldn't stand that — even if it looks bad for me.

Q. What looks bad? A. What I want to say. You see, I was there. Peter had given me his keys that day, while we were playing golf, to hold for him in my purse. On the way back we quarreled. We parted — angrily. I forgot to give him his keys. I wanted to — wanted to make up. So I — I went there. I let myself in. Everything was pretty dark. It was just about nine-thirty then. I started upstairs. I know, now, it sounds like a mad thing to do. But then — I was just thinking I wanted to get to Peter, to tell him I was sorry we quarreled. I got to the second floor. Everything was deserted. I knew where Peter's room was. I went upstairs — tiptoe. I opened Peter's door. Nobody there. I guessed he'd gone out. I should have gone home. But then I began to be afraid he was out with somebody else. So — people in love do crazy stunts — I decided to wait. Right there. In Peter's room. I went in and closed the door — very soft.

Q. Did you see him? A. He came in about a quarter past ten. It seemed hours waiting. I was thinking all kinds of things. He was awfully amazed. I told him — told him how sorry I was, and about the key. He kissed me, said everything was all right. He said I'd find something for me when I got home. He meant the flowers. He seemed anxious for me to go, though — but I know it was only because he didn't want his folks to think anything funny. I made him stay there — in his room. The two of us would make too

* The spectators had been unusually still during her testimony — but a hubbub of excited talking followed this disclosure that she was in the house that night. The court's warning restored quiet. J. M.

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much noise. I went down alone — tiptoe. But nobody heard me. I guess they were all asleep.

Q. You say he was anxious for you to leave? A. Only for my sake. He realized the position I was in — and I hadn't worried about it. I guess I always do wrong things. I need somebody like Peter to keep me straight.

Q. It was about nine-thirty when you came in? A. Yes.

Q. And what time did you leave? A. About ten-thirty.

Q. Why didn't you tell us this before? A. I hated the idea — all the talk — and the papers.

Q. But you still don't explain about the handkerchief in the death room, do you? A. I may have dropped it that night. In the hall, as I was leaving. Or at some earlier date when I was in the house. I'm not even sure that's the one I had with me that night.

Q. And, as far as you know, anyone might have found it, and used it if you dropped it in the house? A. Yes, I suppose that's so.

Q. You would have no way of knowing about this? A. No, none.

Q. As far as you know, the defendant might have used it —

MR. STRONG: I object to that.

THE COURT: Sustained. It's prejudicial. Strike it out.

MR. COLLINS: That is all.

(Witness excused)

JAMES BECKER, OF 84-32 FIFTH AVENUE, NEW YORK, N. Y., CALLED AS A WITNESS IN BEHALF OF THE DEFENSE, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:*

DIRECT EXAMINATION BY MR. STRONG:

Q. You chauffeur for Mr. Van Eyck, at 84-32 Fifth Avenue? A. Yes, sir.

Q. How long have you been employed there? A. Six months, maybe a week or two longer.

Q. Where were you during the night of the crime? A. In my room, sir.

Q. Did you go out at all? A. No, sir.

Q. What did you do? A. I was reading.

Q. What were you reading, if I may ask? A. *True Detective Magazine*, it was.

Q. You read all evening? A. Yeah, most of it. Part of the time I was reading the paper.

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* Becker, a short, dark-complexioned man, had not been called by the District Attorney, as from the first he had stated that he thought Doon innocent. When Strong convinced him that he could help the cause of justice, he agreed to appear as a defense witness. J. M.

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The newspaper. That was the *World-Telegram*, I think.

Q. You stayed in the room all evening? A. Yes, sir, except when I went to the bathroom — to wash up.

Q. To wash up? A. I was going to bed.

Q. What time was that? A. About eleven.

Q. There has been a good deal of testimony here in regard to the phone ringing. Did you hear it? A. No, sir.

Q. Is it hard to hear in the back there? A. Yes. When the door is closed, because the bell on the phone is sort of soft, it ain't like a regular phone. Rings sort of soft.

Q. It is difficult to hear in the back? A. If the doors is closed, yeah. But not if the doors is open.

Q. On the morning of the discovery of the crime, when did you find out about it? A. It was like Mary said, when Mr. Quig came on down and told us.

Q. What did you do? A. What did I do? I didn't do nothing. Didn't want to be mixed up in murder.

Q. You stayed right there? A. Yes.

Q. Ever hear the defendant make any threats against the victim? A. No.

Q. Any ill feeling between them, to your knowledge? A. Some, sure. They argued over different things sometimes.

Q. But never any actual threats? A. No, sir.

Q. Ever hear the defendant speak of a knife? A. No, sir.

Q. Did you ever hear anyone speak of a knife in the house? A. No, sir.

Q. There's been testimony regarding a cut in the screen of Miss Van Eyck's room. Do you recall that? A. Yes, I do. I remember saying at the time that it looked like someone was out to get Miss Betty —

MR. COLLINS: Object. It's pure opinion.

THE COURT: Sustained. Strike out the part about what he said.

Q. You saw the cut? A. Yes. It was a clean cut. Right down the middle of the screen, about ten inches long. It was so neat a job, you wouldn't be apt to notice it.

Q. When did this happen? A. About a week or so before Mr. Doon came.

Q. Any idea why anyone would cut that screen? A. No. Some days before, Miss Betty asked me to nail the screen in. Said she was leaning a little against it when she was watering her plants, and it had come loose. So I nailed it, tight. It could never fall out.

Q. Did anyone know about this nailing you did? A. I doubt it. I don't recall mentioning it to anyone especially, it wasn't anything important. And I doubt if Miss Betty thought much about it, or talked about it.

Q. So no one in the house knew you had nailed in the screen? A. Not that I know of. But everybody knew how Miss Betty watered her flowers.

Q. On the evening of the crime — did you see Peter go out? A. Yes, sir. Right after dinner.

Q. Do you know when he came back? A. No, sir. I didn't hear him. But he usually

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comes back about eleven-thirty.

Q. You knew Peter fairly well? A. I had to bring him home often enough, when he was soused.

THE COURT: You mean intoxicated?

THE WITNESS: Yes, Judge. Soused.

Q. When was the last time this occurred? A. It was the night before the crime. I had to practically carry him upstairs. He made a lot of noise.

Q. What kind of noise? A. Oh, he was yelling around. Saying how he'd like to get his hands on that fellow Doon. He hated Doon's guts, that's what he did.

Q. And he was threatening Doon? A. He was lit, that's all. He was calm as a clam when he was sober.

Q. Did you ever hear him make any other similar threat? A. No, never.

Q. You can't think of any reason for his action? A. Sure, he was drunk.

MR. STRONG: All right, no more questions.

CROSS-EXAMINATION BY MR. COLLINS:

Q. Are you the same James Becker who was sentenced to Sing Sing for a six months' term in 1938. A. It don't —

MR. STRONG: I object to that question. It has nothing to do with the matter at hand.

THE COURT: Well, if he is asking it as a means of identification of the witness —

MR. COLLINS: Certainly, I am. I'm also asking it as a means of attacking the credibility of this witness.

THE COURT: I'll allow it.

Q. What was your answer? A. I ain't never been — been sent to jail.

Q. You know what perjury is, don't you? A. Yeah.

Q. I don't know what "yeah" means. Answer yes or no. A. Yes.

Q. You realize you're under oath, don't you? A. — Yeah — yes.

Q. You still want to tell us you never were in prison? A. Well, I —

Q. You know we can produce the papers to prove you were, don't you?

MR. STRONG: Why don't you let him finish his answer?

THE COURT: I believe he was going on.

MR. COLLINS: I thought he had stopped. What were you going to say, then? A. I was in Sing Sing for a few months. I been straight ever since. And you can't fix a murder rap on me.

Q. When were you sentenced? A. In May, 1938.

Q. What was it for? A. Larceny. Some auto tires from a store — with another fellow. A cop grabbed me. The other guy took it on the lam, beat it.

Q. How long were you in prison? A. Till the end of the year. They let me out for Christmas.

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Q. How old are you, Becker? A. Twenty-five.
Q. How many times in all have you been arrested? A. I — I don't know. Two or three. Last time was the only time I was sent up. I learned my lesson — I don't want no more of it. I'm going straight as a street since I got out.
Q. What was your first job, when you got out? A. I went to an employment bureau — sort of a place for guys trying to go straight. She — the girl there — asked me what I could do. I told her I could drive a car. She got me a job as a chauffeur, with a family out in Forest Hills. I stayed with them most of the year. They had to move — he — the husband — he was doing government work and they shifted him out west. They didn't take me with them but they gave me a recommendation. Then I got this job.
Q. Did the Van Eycks know you had served a term in prison? A. I never told them. But it leaked out. Things like that do.
Q. But you didn't tell them? A. They wouldn't have given me the job, if I had.
Q. Did the first family you worked for after you came out — did they know? A. You can't tell people you been to jail. They won't take you.
Q. You kept your record secret from them, you did not tell them the truth about yourself? A. They didn't ask me.
Q. Would you have told them, had they asked you? A. Yes. I had a good recommendation, and I'm going straight. I've got to live.
Q. Why then did you deny it to me, when I first asked you? A. I don't know.
Q. But you expect us to believe the rest of your testimony? A. Yes — it's all true.
MR. COLLINS: That's all.
(Witness excused)

EMMET HALSEY, TELEPHONE INSTALLER FOR THE NEW YORK TELEPHONE COMPANY, NEW YORK, N. Y., CALLED AS A WITNESS IN BEHALF OF THE DEFENSE, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. STRONG:

Q. Your name and address, please? A. Emmet Halsey — Emmet P. Halsey — the P. is for Paul. I live at 7787 Greenwich Avenue, Jackson Heights, Long Island.
Q. You're employed, I understand, by the New York Telephone Company? A. I'm an installer.
Q. What are your duties? A. Well, I put the boxes in.

* Halsey was a white-haired man with gnarled fingers and many wrinkles. He was dressed in a dark gray working suit, and seemed extremely nervous on the stand. This was, of course, only because he probably had been in a courtroom but rarely. J. M.

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Q. When you say boxes, you mean telephones, I presume. A. That's it.
Q. How long have you been in this position? A. About twenty years.
Q. Were you sent to the house of Mr. Van Eyck some time during this year, to install a phone?

MR. COLLINS: I'd like to ask what this witness can testify in regard to the murder of Edwin Hallett? We are going to hear testimony that bears on the installation of a phone some weeks before the crime. No one denies that the phone was there. The People have already admitted it. I object to this witness and his testimony as irrelevant and immaterial.

THE COURT: It does seem far-fetched. May I ask counsel what he intends to prove by his questioning of this witness?

MR. STRONG: Your Honor, I am defending a man who is seriously indicted by the circumstances. I believe my client is innocent, that he is telling me the truth when he says that he is innocent. An examination of the evidence finds that on this matter there is sharp disagreement — I mean the point of the telephone ringing, and being answered, after the crime was committed. I would like to pursue it further. If my client is truthful, which I accept, then someone else is lying.

THE COURT: That doesn't answer the question. The ringing of the phone is important, but what can the man who installed the phone have to do with this? It is similar to calling an architect of a house to prove that some other man was in the house long after it was built. All the architect did was build it; he couldn't know who was in it, months later.

MR. STRONG: Suppose, your Honor, that the house had a secret room? Wouldn't the architect be able to testify about that room, and to tell who might be most likely to know about it, besides himself? I hope to prove something like a secret room in connection with this telephone.

THE COURT: This seems a little complicated. But if counsel intends to prove something that actually bears on the crime in question, I think I will permit the witness to proceed, subject to connection.

MR. STRONG: The connection will be obvious.

Q. Were you sent on a certain day to the house at 84-32 Fifth Avenue, the residence of the Van Eycks? A. Yes, I was sent there on March 15 of this year.
Q. For what purpose? A. To install an extension phone on the top floor.
Q. Tell us about that visit. A. Well, I arrived in the morning. The butler there let me in. I told him who I was, and what I had come for. He took me up to the top floor, to a room in the front, and showed me where they wanted the phone installed.
Q. Was it a difficult job? A. Not especially. There was another man in the house and he came along to watch me. Said he liked things of that nature.
Q. Remember who he was? A. He told me his name was Major Faverill.
Q. Was he with you most of the time you were installing the phone? A. Yes. He was

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just sitting there, sort of watching me out of the corner of his eye.

Q. Did he ask any questions about the phone? How it worked, or anything like that?

A. Oh, yes, he asked me lots of questions about it.

Q. What were some of those questions? A. Well, I do remember, he asked me about the wires, and I told him how we put them along the walls and sometimes inside the walls.

Q. Anything else? A. He asked me how we put the phone in and I showed how I had to attach the wires. It's a complicated job, all right, but not hard once you get the hang of it. I break in a lot of young fellows in the job and I like to tell people about it. A man's profession — I guess it always seems more important than any other.

Q. Was that all you showed him? A. Well, I taught him a number we sometimes use in testing.

Q. You mean, to test the phone's ring? A. Yes. There's lots of ways of testing. But I use one number mostly — you dial the number, hang up, and the phone rings — that is, it rings, if everything is okay.

Q. You'll have to explain further. What number was it you called? How does it work?

A. Well, it works very simple. The number is seven one one dash six.

Q. How do you dial it? A. Well, you dial seven one one, first. Then you wait until you hear a click and another dial tone. Then you dial six and hang up. That's all. The phone starts ringing.

Q. How long will it ring? A. Until you pick up the receiver.

Q. And when you pick up the receiver, what do you hear? Whose voice? A. You don't hear any voice. Just the dial tone. Just as soon as you pick up the receiver, you break that connection which has been making the phone ring.

Q. And you showed this to the Major? A. Yes. He watched me when I made the phone ring. He asked me about it, how it worked. Then I showed him the seven one one dash six number and he dialed it himself and he said yes that was a clever trick and he'd have to remember it to fool some of his friends.

Q. And after that? A. I finished installing the phone and I went home. That is, I went back to work.

Q. Were you ever again in the Van Eyck household? A. No, I wasn't. Never.

Q. Now, Mr. Halsey, I'd like to ask you — how does the dial on that phone work. Is it noisy?

MR. COLLINS: I object. That calls for an opinion by the witness.

THE WITNESS: What do you mean? I wouldn't know if the dial was noisy? After twenty years?

THE COURT: I think the witness can tell how it compares with the ordinary phones he installs. After all, he must know more about the sound of the dial than most of us in this courtroom. Overruled.

Q. How did you answer that question? A. Well, this was a special phone. The bell isn't quite so loud as ordinary phones, for one thing. And the dial works softer — the

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latest model. It didn't make much noise. The butler called for them specifications when he made the order.

Q. So the dial was actually quieter than the average phone? A. The dial didn't make hardly any noise at all.

Q. Could you give us a demonstration of the test number, here in the courtroom? A. I could, if I had a telephone.

MR. STRONG: Your Honor, in order that the court and the jury can have an idea how loud an ordinary dial is, I'd like to make a test. I understand that there is a telephone in the antechambers of the court. I wonder if your Honor would permit us —

MR. COLLINS: I object. None of this has any actual bearing on the case in hand. Your Honor only admitted this testimony with the provision that connection must be shown. No such connection has been shown in fact.

THE COURT: We are unable to agree with the counsel. It seems to us that it has brought forth several important points of information. Demonstration of the phone may also have some bearing in this case. I think the jury should hear it. I believe the wire on the phone is long enough to permit it to be led to the door there — the one opening into court from my antechamber. If defense counsel desires to demonstrate the procedure with this phone, I see no harm. Will the witness step here, please.

(The witness then gave a demonstration of how the phone rang by dialing seven one one dash six.) *

THE WITNESS: That's how I do it.

Q. And the Major took all of this in very carefully? A. He made me write down the number on a piece of paper.

Q. After you completed your work, you went back to your office? A. Yes, sir.

Q. You saw no one else in the house on that day you were there? A. I did not.

MR. STRONG: That will be all.

CROSS-EXAMINATION BY MR. COLLINS:

Q. You say you wrote the number down on a piece of paper and gave it to the Major?

A. Yes, I did. Well, that wasn't exactly it. He wrote the number down.

Q. Now you say he wrote it. Which one of you wrote it, he or you? A. He did the actual writing.

Q. Who got the piece of paper to write it on? A. He — took it off the desk, sir.

* Halsey, standing in the door of the judge's antechambers, lifted the hook off the phone. There was a sudden hush in the courtroom. I noticed several persons hastily take out pencil and paper and jot down the number — anxious, evidently, to try it themselves. The dial was not noisy, hardly heard, as the repair man dialed 711-6, hung up the receiver. The next instant, the harsh jangle of the phone pealed out. The installing man lifted the receiver, breaking the connection, and the phone was silent. J. M.

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Q. Don't you think you should have told us that the first time, instead of lying about it? A. I didn't lie about it all. I just said I wrote it — I didn't see what difference it made.

Q. Don't you think the truth made a difference? A. Well, of course, I do, but this was so minor that it didn't seem to make a great deal of difference, and I didn't think hard about it.

Q. You say you told him the number when he asked you, is that so? A. Yes, sir.

Q. You aren't supposed to do that, are you? A. Supposed? What do you mean?

Q. The telephone company doesn't pay you to give out testing numbers to everybody, does it?

MR. STRONG: Objection. It's quite obvious that the telephone company doesn't pay him for that, and besides, I don't see how he can answer the question the way it is phrased.

THE COURT: I agree with you that is quite an obvious question, calling for an obvious answer, but I don't see why he can't answer it. Overruled.

Q. Does the telephone company pay you to give out those numbers? A. No, sir, they don't.

Q. In fact, isn't that a secret number, not supposed to be given out under any circumstances? A. Yes, sir.

Q. Will you tell us please how you happened to give this number out so freely to a man you knew had no connection with the telephone company? A. Well, I didn't exactly give it to him.

Q. Didn't you just tell us you gave it to him? A. Yes, I did. You see —

Q. I must ask you not to answer in paradoxes. Answer questions yes and no. A. As I was about to say, he didn't give me a chance to keep the number from him. He was watching me as I put through the test call.

Q. You allowed him to do that? A. Well, what could I do? It wasn't my house. I couldn't order him out of the room.

Q. You want to change the story again. This time, he was looking over your shoulder and saw the number himself. You didn't give it to him? A. Yes, I did. First of all, he looked over my shoulder, see? He saw the number and asked me about it. Well, he had seen what I dialed, there wasn't any use trying to tell him he had seen it wrong. So I told him what it was. He went and got a slip of paper and wrote it down. "Seven one one dash six?" he said to me. I said yes. "Well, this is a good trick to play on my friends," he said.

Q. When did you first hear about the crime at the Van Eyck household? A. I read about it in the papers.

Q. We're not interested in your reading habits. A. You just asked me —

Q. Please restrain your answers to the questions I put — stop wandering all over the field. It was the day after the discovery of the crime that you read about it in the papers? A. Yes, the morning after. I read it in the *News*.

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Q. Someone spoke to you about this case before you came into the courtroom, didn't they? Talked to you about it, didn't they? A. Why, no sir.

Q. No one did? A. No, sir.

Q. How did you happen to come here and testify then? Of your own free will? A. Why, no —

Q. Then someone must have spoken to you about it, mustn't they? A. Well, as a matter of fact, the defense attorney did —

Q. Then you did not tell the truth —

MR. STRONG: You are not allowing him to finish anything he starts to say. I ask your Honor's judgment.

THE COURT: I must ask counsel for the People to restrain his anxiety to bring out the evidence, at least enough to allow the witness to say what he has to say.

Q. How did you happen to come here and testify? A. Well, it was only a day or two ago. I had followed the case in the papers with much interest, you can understand, having been in the house. Then I was called into Mr. Browning's office — he's my boss and he ordered me to go to Mr. Strong's office. So I went, and the attorney said he had been trailing me through the phone company because he wanted to know about the phone — and the telephone people had told him I was the guy —

MR. COLLINS: As a matter of record, I think that ought to be excluded as hearsay evidence.

THE COURT: I think so too. Don't tell us what the defense attorney told you someone else told him.

THE WITNESS: I'm sorry, Judge, I didn't understand you.

THE COURT: You mustn't tell us what the defense attorney told you when he is repeating a conversation he had with someone else. Do you understand?

THE WITNESS: All right, Judge.

Q. Go on. A. I told the attorney what had happened — just what I said right here.

Q. Didn't you say just a few minutes ago that you hadn't talked about the case with anyone? A. Well, I thought you meant something else.

Q. The question is simple enough, isn't it? A. It sounded as if you meant that I had — well, cooked up a story with the defendant so that he would get off. I didn't cook up any story with anybody.

Q. You say you talked to Major Faverill? A. Yes.

Q. How do you know he was the man? A. Well, that was what the butler called him, for one thing. And I've seen his picture in the paper many times since then. I'll positively identify him as Major Faverill.

THE COURT: I think that must be the fact, inasmuch as we already have Major Faverill's testimony in regard to being present when the installing man was there.

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MR. COLLINS: In that case, your Honor, I won't pursue this line of questioning.

Q. It was after you talked the whole thing over with Mr. Strong, that you decided to come into court to testify? A. Well, the defense attorney asked me if I would and I said sure.

Q. You talked it over with him, first, though? A. Yes, I did. Sure. I told him just what I told you.

MR. COLLINS: I think that's all.

MR. STRONG: No more questions.

(Witness excused)

VINCENT DOON, OF BOSTON, MASSACHUSETTS, CALLED AS WITNESS IN HIS OWN BEHALF, HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS: *

DIRECT EXAMINATION BY MR. STRONG:

Q. I am asking you to testify, to clear up a few points, Mr. Doon. A. Yes. Anything at all.

Q. Are you still in love with Betty Van Eyck? A. Still. Yes.

Q. Have you seen her since the trial began? A. No. She tried to see me. I wouldn't. I wanted her out of it as much as possible.

Q. The facts of your romance have been discussed in testimony here. I'd like your version too. Will you tell us the story? A. All of it?

Q. If you please — the full account.

MR. COLLINS: Haven't we been over this many times before?

THE COURT: Are you making an objection?

MR. STRONG: He objects to the defendant's being permitted to speak in his own defense.

MR. COLLINS: I'm not objecting to that.

THE COURT: What is the objection?

MR. COLLINS: I object to this repetition.

* Pale, his face drawn, his lips tight-set, Vincent Doon was a striking figure as he walked to the stand. He was tall, almost lanky, and he wore a brown suit that fitted him loosely. He had an odd emotional quality which reminded me of some character from a book. Even his hands, bony and large, seemed to echo his nature, as he clasped them together after he had taken the witness chair. The artist, flamboyant and dreaming, careless and even heedless, was immediately recognizable, despite his attempt to conceal his real personality under a surface calm. It was against him, this artistic make-up that nothing could hide. I began to wonder what effect he would have on a jury which perhaps understood little about dreamers, romancers and the like. J. M.

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THE COURT: He may speak in his own behalf. Overruled.

Q. Begin the story, please. A. It seems to begin a long time ago. It was actually just the start of the year. In Boston.

Q. Is your family living there now? A. I haven't any family. My father and mother are dead.

Q. How old were you when they died? A. Mother died when I was nine. My father the next year.

Q. With whom did you live, after that? A. There was an uncle of mine. He lived alone — a bachelor — in East Boston. I stayed with him until I finished high school. More or less, I have supported myself since then, fairly well. Got jobs as errand boy, things like that, to begin with. Studied art on the side, then I began to paint.

Q. Your painting was successful? A. More so than most. I had plenty of luck. People liked my pictures. I did landscapes — I was trying to say something new in landscapes. Something that hadn't been said.

Q. Because of this success, your fortunes rose? A. Yes. My family was old New England, for one thing. It has to be in Boston. Good Yankee stock. It didn't matter if they were poor, if they went back far enough. After I began to sell a few paintings, I also began to receive invitations to teas and parties and things of the kind. It was at one of these affairs in Brookline, that I met Betty.

Q. You were attracted to her? A. Who wouldn't have been? She hadn't the dowdiness which seems to encumber most Boston girls. And she seemed to have a freedom of mind, a tolerance that good Bostonians don't have. I asked if she would see me again. We did see each other several times. I never have known anyone like her. It was an experience. I told her the way I felt, told her I wanted to marry her.

Q. What was her reaction? A. I don't know. I thought — I thought she loved me. She never said so, in so many words. She did act as if she did. I proposed — she refused me.

Q. You asked her why? A. She said that she was terribly sorry, that it didn't matter how she felt, that there was no use in trying to change her mind because it was made up. She couldn't marry me — she was going to marry Ed Hallett. I asked her if she loved this fellow Hallett. She said she didn't know but that it didn't matter.

Q. Did she give any indication that she cared at all for you as she said it? A. She said she was terribly sorry to have to do it, that, if she followed her own emotions, it might be a different story, but she wasn't able to do that. She said — it wasn't easy for her. It sounds melodramatic, here in this courtroom, with everything cold and judicial. But it didn't then.

Q. What did she tell you about Hallett? A. She said he was a boy she had known all her life, that he was ambitious and in love with her. She said she knew she could learn to love him.

Q. And you hated him? Hated him because he was the obstacle between you and the girl you loved? A. You ask me? All right. The answer is yes. For a time there in

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Boston, I did hate Hallett.*

Q. Was that what made you go to New York? A. No. It was my desire to protect her. I knew something was the matter. There was something wrong. I went to find out what. Everything else that has been said here about my real purpose for going over is correct. I wasn't really broke, I admit that freely. I used a trick to get into the house.

Q. Did your disliking of Ed Hallett increase after you got over there? A. No. There was nothing wrong with Hallett, at least as I knew him, on the surface. He was wrapped up in his business. I'd almost say he was in love with it. That was all he could think about. Frankly, I didn't hate him — even dislike him — as a person, after I met him. It's hard to hate people after you know them. But at first, though, I was sure it would be wrong for Betty to marry him. The days went on. Betty was cold, distant, wouldn't let me talk to her. Her world seemed to center around Hallett. Then I thought I was wrong, that she had actually fallen for him. I should have left, but I kept hoping for the Betty I had known in Boston. Only once I saw that — when she kissed me. But that was just a flash. During the last few days there — I tried to make a friend of Hallett. He reacted pleasantly, perhaps more so than one would expect.

Q. Then during those last few days there, there was no unpleasantness between you and Hallett? A. No, none at all.

Q. Go on. A. Not much more to tell. What I know of what happened in connection with Hallett's death, I've told in the statement which was read. It was all there.

Q. That night, when you were in your room, after you came upstairs, did you see anyone, or hear anyone? A. Well, once I thought I heard footsteps outside — and a knocking at Hallett's door — but I didn't pay attention. All I cared about was getting to bed. I felt terribly low. Sleep was a way of forgetting. As I was dozing off, I heard the phone ring. The walls are thick, very thick in that old house. Someone answered in the next room. The voice wasn't distinct — but I assumed it was Hallett.

Q. What time was this? A. I should say about a quarter to twelve. I can't be positive. It may have been five or ten minutes later.

Q. But, while you were dozing, could someone have come upstairs, committed the crime, and gone down again, without awakening you? A. They might have. The door was closed. They might have done that. I don't know. You see — I can't tell you what happened.

Q. Except you do know you yourself had nothing to do with it? A. I had no hand in this crime. And I myself don't understand about the paper cutter.

Q. Tell us about that paper cutter, just what happened? A. Well, when I saw this ad in the *Art News*, I recognized the place by name — one of my drawing professors in

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* This statement produced a terrific reaction in the courtroom. Newspapermen rushed from their seats to get to telephones to inform their city editors of what seemed a sensational admission. But I knew Strong was still driving after one object — the truth. J. M.

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Boston had told me about. Said they had real works of art. That was why it caught my attention. I spoke of it at dinner that night, merely as something to make conversation. No one seemed particularly interested. As a matter of fact, I felt rather, well — it seemed almost as if they had snubbed the idea because it was mine. Then, a day or so later, Hallett spoke to me at breakfast, asked me if I would get one of those for a paper cutter, that he'd like to have it. I was surprised, because he hadn't shown much interest in the arts before. But he appeared anxious to get it. So I went down and bought one. I left it for Hallett on his desk. He had given me the money already. That is actually everything I knew about the knife. That was the last time I saw it. Until — the morning.

Q. You placed it on his desk? A. Yes, that is right. Hallett spoke of it at breakfast to me, but he did it on the side, and I sort of had the idea that he may have been planning to give it to someone for a present. I don't know whom.

Q. When you say on the quiet, how do you mean? A. He actually spoke to me in the hall, where none of the others could hear.

Q. You recall what he said? A. He said he regarded it as a favor to him and appreciated my going to all that trouble.

Q. He gave you any hint of whom he planned to give it to, if that was his intention? A. No. He just said that it was good looking. Then he dropped a remark casually — sort of strange. He said that he never had any use for things like that but — He stopped after that "but." I asked him what he meant and he said he meant that in the past he never had had any use for things like that but now he was going to be married maybe he'd better change his tastes. It was like a riddle to me.

Q. Anything said at the table about the cutter? A. No, nothing.

Q. You knew nothing of what actually had happened to the knife until the next morning, when you heard Peter come up and find the body? A. I knew nothing until I heard Peter's pounding on the door — on Hallett's door.

MR. STRONG: That is all, Mr. Doon.

CROSS-EXAMINATION BY MR. COLLINS:

Q. You testified you were — or are — in love with Betty Van Eyck? Is that true? A. Yes.

Q. In love with her now? A. Yes.

Q. You know, don't you, that Betty Van Eyck is a wealthy girl, heiress to a large fortune? A. Yes. I know.

Q. When you first met her, did you know? A. How could I?

Q. Yes — how could you? Well, when did you first find out about her wealth? How long had you known her? A. I don't know if I can tell you, exactly. It was some time after I knew her.

Q. It wasn't, by any chance, one of the reasons you fell in love with her, was it? A. I'm

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not likely to fall in love with a pocketbook.

Q. Are you trying to tell us that the fact that she was wealthy, that you knew if you could marry her you would never again be plagued by financial worries — that none of that had any effect on you? A. None of that mattered.

Q. You didn't care who had money, or who didn't? A. I didn't give two hoots. I didn't even think about it — except in one way.

Q. What way was that? A. I was glad she had means of her own. I'd never touch it. I can make a living, painting pictures. A pretty good living. There might come a time when the paintings went slowly, when people didn't have money for pictures. And I knew that it would always be a protection for her against trouble, if she had some independent wealth of her own. It wasn't a necessity — it was, perhaps, an extra safeguard for her. Beyond that, any ideas of my worrying about her money are absurd.

Q. Don't you ever worry about money, Mr. Doon? A. Oh, yes —

MR. STRONG: Don't answer. Your Honor, the defendant has allowed himself, in the interest of truth, to be questioned here. Why should he have to be brutally assailed in this manner by the District Attorney? It is one thing to ask questions — quite something else to gibe and jeer.

MR. COLLINS: This is nothing but a trick, to try to make him an appealing person on the stand — to stir the jury emotionally. .

THE COURT: Defense counsel's point is well taken. I must request the District Attorney to desist from this type of examination. It is neither necessary or befitting.

Q. Mr. Doon, you paint modernistic pictures, don't you? A. Yes, I suppose so. It's a broad term.

Q. They are pictures which have to do with violating the traditions of art, don't they? A. No.

Q. Well, of course, I can't make head or tail of modernistic paintings, but that's beside the point. What are they — could you tell us? A. I'm afraid it would be a bit too complex. But the purpose of all paintings is to give pleasure.

Q. They do violate the traditions of painting, don't they? A. I guess so. But that isn't their purpose.

Q. Therefore, even in your painting, you believe in violating traditions?

MR. STRONG: Object. This is completely immaterial. What he does in his painting and what he does as a person have no relation in this courtroom. Some of the dowdiest old maids I ever saw paint some of the most violently modernistic pictures. Is the District Attorney trying to prove that the defendant is a murderer because he paints modernistic pictures?

MR. COLLINS: I'm not trying to prove anything like that. I'm merely trying to get at the man's character.

THE COURT: The question of his character, as far as concerns this case, can

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be used only in an affirmative, not a negative, sense. It does not prove he committed a crime, to prove he had the temperament to commit it. Almost any one of us has the character to commit a crime, even to murder, under given conditions. It is your duty only to establish that he did commit this crime. You can't prove that by showing that he paints modernistic pictures. Objection sustained.

Q. Mr. Doon, the whole story of this crime, and your part in it, has been presented here. There is a minor point I'd like to clear up. You say you were asleep when the phone rang? A. I was dozing.

Q. Just what do you mean by that? A. I mean that I was in that semi-state, sort of half asleep.

Q. And the phone made you fully awake? A. Yes.

Q. Hadn't you started to fall asleep rather quickly? A. Yes, I think I did. I had just been out walking and I was tired.

Q. After the phone rang, once, or twice, what did you hear? A. I heard a man's voice — I presumed it was Hallett's.

Q. What did that voice say? A. I couldn't hear.

Q. How did you know it was Hallett's voice? A. I didn't know, I only presumed.

Q. Hallett couldn't answer the phone if he was dead, could he? A. No.

Q. But when you told the police the next day, weren't you positive it was his voice? A. I didn't doubt it. I was sure it was — until I found out it couldn't have been.

Q. Was there any peculiarity in the voice to make you so sure? A. No. He spoke low, as a rule, and soft, and that was why I figured I couldn't hear what was said.

Q. So as far as this call is concerned, you didn't pay much attention to it? A. No, I really don't think I did. Not a great deal, I know. It wasn't unusual. Hallett had received late calls before.

Q. About that knife, didn't you think it was strange Hallett should ask you to get it for him, if it is true he did? A. I did somewhat. But I was also quite pleased. There had been such trouble.

Q. And all your jealousy was gone with the wind? A. No. It flared up, at moments. Generally, it wasn't so biting.

Q. Didn't you say that you and Hallett more or less made it up, those last two or three days? A. Yes.

Q. Then just how do you explain your statement to Nora that he was the only man you'd like to kill? A. I did say it. But I didn't mean it. It was seeing Betty in his arms, dancing close. For one second, the feeling flared up. Then I realized how crazy it was and I tossed it off.

Q. You knew about the party to be held the day after the crime? A. Yes.

Q. You knew that Hallett was to hold Betty in his arms the rest of his life, didn't you? A. Yes.

Q. That all the love you had hoped to give her — he was to give, didn't you? A. Yes.

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Q. And you thought about that, up there alone in that room of yours? It was on your mind, wasn't it? A. Yes.*

Q. You knew that in the next room, one door away from you, was the man who was taking her from you? A. Yes, I knew that.

Q. And — assuming your story of the knife to be true — you knew it was there in his room, didn't you? A. I didn't know where it was.

Q. You knew you had left it in his room, didn't you? A. Yes.

Q. It was quiet there on that top floor, wasn't it? A. Yes. Very quiet.

Q. And you were there in that silence, thinking? A. Almost asleep.

Q. You are trying to tell us that you had no feeling of jealousy, no sense of hatred, for that man? A. Oh, of course, I felt some jealousy. I did feel a sense of hatred, maybe, now and then, especially when I saw them together, or he kissed her. In the long run, I realized — or rather, I thought I realized — that she was doing what was right, that she did love him. That was what I thought.

Q. And you didn't feel bitter at that realization, did you? A. No. Besides, bitter or not, I wouldn't have helped my cause by killing him. Anything but.

Q. But you admit that this thing preyed on your mind? A. It did.

Q. You admit you purchased the knife, you admit you were there in the next room, you admit that the thought of his marrying the woman you loved was unbearable. But you deny you had any connection at all with his death? A. All correct.

Q. I presume you were shocked to learn of his murder? A. Yes.

Q. You would rather he were alive? A. Yes, of course.

Q. To marry the girl you love? A. (No answer.)

Q. To marry the girl you love? A. Yes.

MR. COLLINS: I think, Mr. Doon, there is no need for any more questions.

MR. STRONG: That is all, Mr. Doon.

(Witness excused.)

(At the conclusion of Doon's testimony, his Honor called recess until 10:00 a.m. o'clock tomorrow morning, again admonishing the jury according to law.)

PEOPLE vs. VINCENT DOON

NEW YORK, SEPTEMBER 26, 1940

(TRIAL CONTINUED)

Appearances: The same as heretofore noted.

* Each "yes" was spoken in a strange, faraway tone. Doon seemed complete master of his emotions at that moment. J. M.

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MR. STRONG: If your Honor will allow, I'd like to recall Major Faverill.

MR. COLLINS: Major Faverill has already been cross-examined.

MR. STRONG: There has been a development here about which I would like to question him.

THE COURT: Very well. I'll allow it.

MAJOR FAVERILL, CALLED BY THE DEFENSE FOR RE-CROSS-EXAMINATION, HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

RE-CROSS-EXAMINATION BY MR. STRONG:

Q. Major Faverill, in your first examination you failed to state anything about having received a number from the telephone installing man. A. What kind of number? Q. I mean the number which you watched the man dial, the number by which he makes the telephone ring itself. The one Mr. Halsey told us about. Do you recall it now? A. Yes — that number.

Q. You remember it, do you? A. Vaguely.

Q. What do you mean — vaguely? A. Well, now that it's been mentioned I remember it.

Q. You didn't remember it in your first testimony? A. No, not at all.

Q. Have you a good memory, Major? A. I guess I have a fair memory.

Q. You remembered perfectly every detail of the evening before the crime, didn't you? I mean, the night the crime happened? A. Yes — I — I remembered that. It stood out in my mind.

Q. Why? A. It was the day before we found the body.

Q. That's no reason why the things should come back to you, if your memory is at fault. You couldn't know that evening that the crime was going to happen, could you? A. No, I couldn't. But — well, I just happen to remember that night.

Q. You weren't concentrating particularly on the telephone installer? You didn't think that was important? A. I still don't see what importance it has.

Q. Will you concentrate for me, please? Tell us everything you can about that number. A. All right. I'll tell you. I — watched him, I — I saw him dial this number and I thought it would be a good trick to play on my friends, down at the club. That was all.

Q. So you put it down? A. Yes. I didn't want to forget it.

Q. How long have you lived in that house, Major? A. A year and some months.

Q. Did you always occupy the room you now have? A. I occupied the room that young fellow had, until several months before he came.

Q. What young fellow? A. Doon.

Q. You knew, didn't you, that the walls were thick? A. Yes, I knew that.

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Q. You also knew how to make a phone ring so that it sounded as if a call were coming in, didn't you? A. I never thought to use it for —

Q. I'm not asking what you thought. You knew that, didn't you? A. Yes, I did — But —

Q. That's enough. Now, you were acquainted with the habits of everyone in the household, weren't you? A. Well, no — I knew them only slightly. I didn't know Doon's habits very well. If I killed Hallett, why —

Q. No one said you killed him. I'm trying to get some facts straight. You did know the ordinary habits of the people in that house? A. Pretty well.

Q. You knew exactly what Richard Van Eyck would do while retiring, didn't you? You knew he would be in his room, didn't you? A. (No answer.)

Q. Doesn't he do that every night? A. More — more or less.

Q. Isn't it true that you were in love with the late Mrs. Van Eyck, that before she married Richard Van Eyck, you asked her to marry you? A. I've already —

Q. It is true, isn't it, that you yourself have said, over and over, that Betty Van Eyck is the living image of her mother? A. Yes. She is.*

Q. You weren't in love with her, were you? A. No. She was like a daughter to me.

Q. On whose money have you been living, for the past year? A. On my own. My — stocks.

Q. What stocks? A. I — have stocks.

MR. COLLINS: This is all immaterial, anyway. I object to all these questions, especially the last.

THE COURT: Sustained on the last question. Overruled on the others.

Q. Isn't it true that you have been supported in large measure by Richard Van Eyck? A. To some extent. I — I'm not wealthy.

Q. Isn't it true that Edwin Hallett urged him to put you out of the house? A. That isn't true. Not at all.

Q. Don't you think it quite a coincidence that you happen to get a number which would enable you to make a call when no one called — and that Vincent Doon should hear a phone ring and no one admit to making a call? A. We can't know Doon is telling the truth.

Q. Did you show that number to anyone, Major? A. No — I didn't.

Q. Went to all the trouble to write it down, but didn't use it after all? A. That's right.

Q. And didn't remember it? A. I remember now that it is recalled to my mind.

Q. What was the number, Major? A. It was — seven one one dash six.

Q. That was the number you dialed? A. Yes.

Q. When you came in to testify, had you heard Vincent Doon's story? A. I had read it in the papers.

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* Strong was shooting in the dark here — and that was a lucky hit. J. M.

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Q. You knew, didn't you, that he stated he had heard the telephone ring in Hallett's room? A. Yes.

Q. That then he had been shown how Hallett could not have answered the phone, since Hallett was dead when Doon heard it ring? You knew that? A. Yes.

MR. COLLINS: I object to the counsel leading the witness like that.

MR. STRONG: I am only refreshing his memory.

MR. COLLINS: You're putting words into his mouth.

MR. STRONG: I am recalling to his mind what the story was, as officially recorded.

THE COURT: Why doesn't counsel let him tell it, his own way?

MR. STRONG: If your Honor wishes.

Q. You knew the entire story Doon had given the police, which was later entered here as evidence, didnt' you? A. Yes.

Q. Then you knew about the phone call? A. Well, I —

Q. You can answer that yes or no. A. Yes.

Q. You knew that you had at least an explanation of how the phone might have rung — A. I mightn't have been the only person that knew.

Q. What do you mean by that? A. Anybody might have had that number, you know. In addition to me.

Q. Did anyone else talk with you about it, or with the phone man? A. No, but —

Q. But what? A. They might have known of it before.

Q. When you heard about that phone call, why didn't you speak out then? A. What do you mean?

Q. Didn't you realize then that, as you say, anyone might have had that number? A. It didn't seem important.

Q. Major Faverill, you were a member of the Harvard Dramatic Society when you were in college, weren't you? A. What has that got to do with it?

Q. Isn't that true? A. Yes, that is true.

Q. Isn't it also true that you played character parts in those plays? A. Yes.

Q. So you would know how to act, if you needed to, wouldn't you? A. Yes, I would.

Q. When you play character parts, you have sometimes to disguise your voice, don't you?

MR. COLLINS: Object.

THE COURT: The question of disguised voices may — or may not — be pertinent, depending on who made that phone call, if anyone. I'll admit it, subject to connection.

Q. Then you could have disguised your voice, couldn't you? A. It was a long time ago that I was in college.

Q. But you were pretty good at character parts, according to your press clippings, weren't you? A. Yes, I was.

Q. So you knew how to disguise your voice, you knew how to make the phone ring,

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the weapon was — as far as is known — on the table there — A. But — I — I didn't kill him. I — I didn't do it.*

Q. No one said you did, Major. I'm merely pointing out some facts. You know you are under oath, Major? A. Why — why should I want to do it?

Q. I have to remind you, Major, that it is I who am asking questions.

MR. COLLINS: The witness does not have to say anything that might incriminate himself.

MR. STRONG: What should he be afraid of?

THE COURT: Counsel on both sides must refrain from this type of bickering.

Q. Major, what was the real reason you conveniently forgot to tell us about the phone number? A. (No answer.)

Q. I say, what was the real reason? A. I have told you. I forgot.

Q. Perhaps you did. According to Miss Eyck's testimony the young couple were planning to take the house in New York themselves. Did you know that? A. Yes.

Q. Where would you live? A. I would have had to move, I guess.

Q. Wouldn't Ed Hallett have permitted you and her father to live in that home? A. Well, a young couple getting married — they wanted to have their own home.

Q. And that home was the place where you were living, supported by Richard Van Eyck. You haven't the money to support yourself, now, however you look at it, have you? A. I — well — I have a little.

Q. Remember you are under oath. A. I — have a little pension —

* The Major seemed to be struggling here to maintain some semblance of military bearing. J. M.

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Q. You would lose your home, your clubs, high social standing — everything.
A. Well — he would lose his home, too.
Q. He? A. And he — he knew the number, too.
Q. What he are you referring to? A. I — I —
Q. Who is this person, who knew the number also? A. It is — it is Richard Van Eyck.*

MR. COLLINS: One minute —

THE COURT: Order. (Gavel.) The spectators will be quiet or I'll clear the courtroom.

Q. Richard Van Eyck knew the number — the number the phone man had given you? A. Yes, yes, he knew it too.
Q. How did he know? A. I told him. I told him. Myself.
Q. Why didn't you tell us before, why did you wait until this last, desperate minute?
A. I didn't think it was important. I— I didn't want to involve him, if I could help it. He has been good to me. He saved me, when I was poor, when my fortunes were blackest, he saved me. I didn't want to involve him.
Q. When did you tell him that number? A. Days before the murder I tried it on him for a joke. He made me show him how it worked.
Q. Rivolli testified you were in his store. Why did you go there? A. I went. It was only — Doon had aroused my curiosity — I wanted to see for myself what they had. I looked at everything — bought nothing. That's the God's honest truth.
Q. Major, you were heavily in debt, weren't you, when you were at the Hotel Prince George? You might as well tell us all the truth now. Perjury is a serious offense. A. Yes — I was heavily in debt. He — paid my debts.
Q. How high did they run? A. Thousands. Maybe fifty thousand. Maybe — about a hundred.
Q. That was in addition to the refinancing money you had borrowed from Mrs. Van Eyck before her death — and lost? A. Yes. My business failed. It is all on the records.
Q. And Van Eyck paid those debts for you? A. Yes, he did.
Q. With whose money? A. Why, his own.
Q. Where did he get a hundred thousand? He couldn't have had any, since you had to go to Mrs. Van Eyck for the refinancing loan — which you so mishandled that still your business failed. A. I don't know where he got the money.
Q. Didn't he tell you that he was taking that money from the estate of Betty's Aunt Anna — the money the aunt left to Betty — left in Richard's trust? A. No. No.
Q. If the court desires, it can bring in records to show that the estate is intact, you know that, don't you? A. I —
Q. Answer the question, please. A. Yes. I know.
Q. To whom has that money been going? A. To — Richard.

* A startled murmur ran through the courtroom at this statement. As the Major spoke, his hands dropped to his sides, in a hopeless gesture of resignation. Glancing around quickly, I saw Betty Van Eyck hide her face in her hands. J. M.

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Q. Although it was actually his daughter's money? A. Yes.
Q. And if — if Ed Hallett married his daughter, the money would pass out of Van Eyck's hands, isn't that so? A. Yes.
Q. Why didn't you tell us all this before? A. Because I knew — I knew —
Q. What? A. I knew — it was Richard — who really wanted that knife.
Q. How did you know? A. I didn't know what it was for. That night — that night of the crime, we were there, playing chess. The lamp was on, over the board. It was his move. I had him down in the corner, my queen and my castle had him bottled up. He was trying to figure a way out. While he was thinking, I went into the bathroom. It was dark there — I didn't turn on the light. While I was there, I heard someone come down the stairs. I could see it was Hallett. He had a knife in his hand. I — thought it was funny. He walked right in to Richard's room. He said — "Here's the cutter you asked me to have Doon get." Dick said, "Be quiet. Was there anyone in the hall? I don't want people to know Doon does me any favors. You know I don't like him." Hallett said, "I didn't see anyone. Sorry. I don't like him either, for that matter." Then Dick said, "It's beautiful, and I'm glad to get it, but put it away before the Major comes back. I want to give it to Betty. I don't want anyone else to know about it." I heard the sound of a drawer open and close. Then I came in. Hallett — he greeted me. I said I was surprised to find him there. I felt that I didn't want them to think I had eavesdropped. He went upstairs, after a few trivial words. That — that is the gospel truth. I don't care if it — hangs me.

MR. STRONG: That is all.

(Witness excused)

THE COURT: The evidence has taken an unusual turn. Bring Van Eyck back to the stand.

RICHARD VAN EYCK, HAVING BEEN PREVIOUSLY SWORN, WAS RECALLED TO THE STAND FOR FURTHER CROSS-EXAMINATION.

RE-CROSS-EXAMINATION BY MR. STRONG:

Q. You learned that number from Major Faverill, didn't you? A. He may have told it to me. I paid no attention.
Q. You knew that the phone call occupied an important place in the state's case? A. What phone call?
Q. The one Doon said he heard the night of the crime? A. Yes.
Q. You knew this number, and knew that Faverill knew the number? A. I — I guess so.
Q. But you didn't think it was important to mention? A. Well, I — I forgot.

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Q. What money have you got in your own right, Mr. Van Eyck? A. Money? *
Q. Yes — what money have you? What is your fortune? A. Well, I have a substantial amount. But I don't spend it, of course. Much of the money I spend is from Anna's estate, for the support of my daughter.
Q. You belong to several clubs and things like that, don't you? You live a rather expensive life? A. Comparatively — yes.
Q. With what money do you pay those bills — whose money? A. I don't think I have to answer that question.

MR. COLLINS: I agree. In fact, I object to this entire line of questions. The money spent by Mr. Van Eyck has nothing to do with who killed Edwin Hallett.

THE COURT: According to the turn of the evidence, there may have been motives other than love for the killing of Hallett. I'd like an answer to that question, Mr. Van Eyck.

THE WITNESS: I — some of it was paid out of my own funds. Others I — borrowed from my wife.

Q. You know, Mr. Van Eyck, that it is perfectly possible for us to subpoena the records of the estate, don't you? A. I suppose you can.
Q. Don't you think we've been to enough expense? Why don't you tell us the truth now? A. I have been telling the truth.
Q. A year or so ago, according to evidence, you were broke, isn't that right? A. Yes.
Q. Yet now, you have a fund of money? A. Well — I have been using some of the funds left to my daughter.
Q. You support the Major, too — don't you? A. Yes.
Q. You have, then, been misusing the funds of the estate? A. I — I don't have to answer that, do I, your Honor?

THE COURT: The witness does not have to incriminate himself.

Q. Very well. Now, Mr. Van Eyck, if your daughter married, into whose control would the money pass? A. Into hers. She would get it all.
Q. And what would you do then? A. Well — I — I —
Q. Where would you live? A. Well, I — don't know right now.
Q. Did you ever know? A. No, I didn't.
Q. Isn't it true that Hallett was not going to allow you or Major Faverill to live in the house there? A. Yes, yes. He — didn't want us to live there.
Q. Mr. Van Eyck, tell us about that knife. A. What knife?
Q. The death knife, Mr. Van Eyck. You remember that, don't you? A. Yes — yes, I remember it.
Q. Why didn't you tell us about it — about the fact that you were the one who really wanted it? A. I — wasn't. I didn't.
Q. You mean Major Faverill is lying? A. (No answer.)

* I looked over at Doon as Van Eyck echoed the word. He was staring at Van Eyck with a confused expression, half anger, half compassion. J. M.

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Q. You mean that he, your closest friend, is trying to frame you? A. I don't — I don't know.

Q. You never asked Hallett to have Doon get that knife? A. No. Well, I —

Q. Well, you what? A. I did want it. But — only as a present for Ed and Betty. I wanted to surprise them, you know.

Q. With a knife? And Ed Hallett brought it down to you that night? A. Yes — he did. It was a paper cutter. But I didn't have anything to do with the killing. I — I didn't have anything to do with it.

Q. Who did, then? A. How should I know? Major Faverill knew it was there, too. He saw it. Why did he keep still?

Q. Are you accusing him of the crime? A. (No answer.)

THE COURT: You say you have been using some of the funds of the estate left to your daughter for your own expenses? A. Some of them.

THE COURT: You wouldn't have been able to use any of those funds after your daughter's marriage, would you? A. No, I suppose not.

THE COURT: It was you who ordered the purchase of the knife? A. Yes, that is right.

THE COURT: And the knife was brought to you on the evening of the crime, only a few minutes before the crime occurred, is that not right?

MR. STRONG: Your Honor, it has already been testified that Major Faverill was bathing at about the time of the murder. During that time, while the Major was in the bathroom — *

THE WITNESS: But I — why Major Faverill might have done it as well as I.

BY MR. STRONG:

Q. You ordered the purchase of that knife, didn't you? A. I — told you why.

Q. Yes, you have told us. But you did order it. You didn't tell us that before, did you? A. No, I —

Q. Why not? A. I — was afraid Major Faverill had done it. I didn't want him — he is an old friend of mine.

Q. You were afraid the Major had done it? A. Yes.

Q. How could you know the Major knew about the knife? A. (No answer.)

Q. How could you know? A. I didn't. I thought perhaps — perhaps he had somehow found out.

Q. But that was a wild chance. If he hadn't found out, how did you figure the knife had gotten upstairs. A. I didn't.

Q. You knew that by your silence an innocent man might be sent to the electric chair, didn't you? A. Yes — I did.

Q. That didn't matter? A. I was sorry.

* The courtroom was seething. Judge Woode rapped for order, had to pound several times. Reporters dashed out to make calls to their papers. On the stand, Van Eyck sat, like an aging ghost, his face white, his fingers nervously twining about each other. J. M.

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Q. You were sorry. A. Yes.

Q. And in addition, you did not tell us about the phone call number you knew? A. No. I forgot.

Q. Do you see that boy over there, that young man in the prisoner's seat? A. Yes — I see him —

Q. You know he is likely to die, because of your lies? A. I didn't lie. I was —

Q. Did you kill him, Mr. Van Eyck? A. No — No — I didn't, I tell you.

Q. You ordered the purchase of the knife, didn't you? A. Yes, I did. I admit that. I —

Q. You stood to gain by his death, didn't you? A. I — no — I — perhaps something.

Q. You knew you were lying when you said no one had come to your room that night, didn't you? A. Yes I knew.

Q. Were you trying to protect the Major by not telling us that Hallett came down? A. I — I told him not to mention it. No use making things involved.

(Proceedings were interrupted at this point by a voice of a woman from the back of the courtroom, "Just a minute, just a minute.")

THE COURT: Order. Order. Who is that?

(Daphne Borden came up the aisle, through the bar, and stood before the bench.)

MISS BORDEN: I — I'm sorry to interrupt. But as he was talking, I remembered when I lost the handkerchief —

THE COURT: I shall have to ask you to be quiet now. We will hear your evidence later.*

BY MR. COLLINS: †

Q. In your earlier testimony, you told us you made some investments, is that right? A. Yes, it is.

Q. Whose money did you use? A. (No answer.)

Q. Whose money was it — the money from the dead aunt's estate? A. Yes, that's whose it was.

Q. You haven't been telling us the truth, in earlier testimony, have you? A. I — no — no — I haven't.

Q. You lied? A. I lied.

Q. You knew an innocent man might die — because of your lies, didn't you? A. Yes, I knew. I — all right. I wanted him to die.

Q. Just like you wanted Ed Hallett to die? A. No — No — I didn't — I didn't want Ed to die. I didn't want Ed to die. I didn't like Doon.

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* This produced another outburst from the spectators. In the witness chair sat Richard Van Eyck, his eyes lowered. Looking at the man, I saw that the mask had been dropped from his face. What remained was worn out evil, greed, ambition. J. M.

† Collins, a truly honest official, jumped into the thing himself—as determined to get at the truth as we were, now that he saw where the truth was. J. M.

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Q. And since you didn't like him, you didn't care if he were convicted unjustly? A. I didn't — no. He tried to take my daughter from me.

Q. Mr. Van Eyck, tell us the story of that night. The story of the night when someone plunged a knife — A. Don't. Don't. They're innocent. All of them. It's — it's no use. I — did it too carefully. I killed him. I killed him.

THE COURT: (Gavel) Order in the courtroom. Court officer — those men talking in the back — put them out of the courtroom. I'll tolerate no disorder here — or I'll clear the whole room.

(Several men crowding in the aisles at the rear of the courtroom were ejected. Trial was interrupted until quiet had been restored.)

Q. Proceed — tell us the story, Van Eyck.* A. It's true, I had been using funds from the estate left in trust to me. It starts a — long time ago. My wife had most of the money in the family. I — I never could keep any. Every deal I tried — some of them, some were on the dark side — failed. Then my wife loaned most of what she had to the Major, for refinancing. She trusted him far more than me. My wife and I were never too happy. Betty — she seemed always to side with her mother. My wife made the loan as an investment. It failed. During the last months of her life, we were almost broke. Of course, we tried to keep up a front. After her death, when Anna died, the windfall came to me. Anna had left in my trust this vast sum of money for Betty. My wife had probably been too ashamed to tell Anna of my failures, so Anna had no reason not to trust me. With the estate in my hands, I planned to — to recoup my fortunes. I was able to forge my annual report to the Surrogate Court, so they couldn't know I was misusing the estate. I was a reputable person, and they would have no reason to check deeply into my figures anyway. I had all the money in the world to spend. But the Major had known me all my life. He knew I was destitute after my wife died. And — after Anna's death, he suddenly saw me living again as I wanted to live. He put one and one together. He came to me, told me he knew what I was doing with the estate. First, I thought it was blackmail. After a few visits with him, I saw it wasn't exactly blackmail — he just wanted to be let in on a good proposition. That was why I took him into the house and paid his debts. He knew what I was doing. Betty didn't know. I — I loved Betty. I wanted her to be happy. But I didn't want her to find out — what had happened.

Q. You wanted Betty to be happy? A. Yes, I did. I really did. The trouble reached a head when Hallett came to live with us, after he came back from Maine. One day, he went into my study on the second floor. Foolishly, I left on the desk the report I was sending to the court about the estate. He saw it, read it. He knew at once I wasn't spending a tenth as much on Betty as I said in my report. He guessed what I was doing. He wasn't so lax as the Major. He was determined to expose me as a man who would steal from his own daughter. Hallett was that way — he wouldn't temporize.

* A grim smile hovered on Collins' face. He had been the one to wring out the confession. Strong had known what was coming — had allowed him this moment of triumph, even in defeat. J. M.

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I was doing wrong — he would prove it. I didn't know any of this, of course, until those calls started to come, only a few days after he arrived in the house. I was curious about those calls. One night I listened, while he talked on the new extension. It was a man — Hallett's investigator, I afterwards learned. I realized they were talking about my stocks, my profits and losses. I went to Hallett, asked him what he was doing. I wanted to drag out of him whatever he had learned. He told me — told me he knew what I was doing — knew enough to send me to prison. Said he was investigating me. Said he was going to break me, called me a thief. I — I tried to convince him he was on a cold scent. Hallett was cool. But he didn't say much — I almost thought I had convinced him that things just looked bad — that all my transactions were actually in order. It was wishful thinking. A few days later, I listened to another one of those calls. More information about me. His investigator — reporting on my affairs — *

Q. Why did Hallet have the investigator call the house? Why not his office? A. This was something extra — beyond office work. He was the kind who would do such work after hours. Besides, he didn't really care if I knew what he was doing anyway. I almost think he wanted me to know — wanted me to realize how carefully he was piling up the facts. He was simply pursuing his course, to get such a tight case against me that I'd be ruined — or in his power forever.

Q. But then you turned around and offered him your house? A. I had hoped to head him off by my arguments, but I had taken one precaution. Hallett told me he wanted the house. I — I had gone to Betty, told her I was going to give her — and Ed — the house, when they married. I was trying in a kind of desperate way, to prevent Betty finding out the truth. If I gave her the house, she wouldn't know Hallett was forcing me into it, unless he told her, and I guessed I could argue him into silence at least on that. I couldn't throw Hallett out, you see — he could have exposed me at once. Could have taken it to court. I had to pretend to play ball. But things were getting worse, Hallett more sure of his facts. He was like a ferret. I couldn't stand it. I felt like an intruder in my own house, and any minute Hallett wished, he could ruin me. I knew I had to get rid of him — I had to kill him. Then a miracle happened — this Doon boy dropped in. That was a godsend. Of course, I didn't want Betty to marry Doon, either. Hallett still had the cards — he knew the truth. I asked Doon to stay. Urged him to stay longer. One night at dinner, he mentioned paper cutters. I knew that the time had come. That fake phone call — that was just an addition, like the handkerchief. I'll explain both of them. The Major told me about the dial trick, and I figured that was a way of making Doon out for a liar. After I killed Hallett — I dialed the number, mumbled a few words in imitation of Hallett, just to make it appear that someone had called and I knew Doon would think it was Hallett.

Q. Didn't you fear someone else might answer the phone? A. No. The servants rarely answer the downstairs phone at that time of night. And the only other phone

* This investigator — evidently a clever worker — is still the "mystery man" of the case. He never came forward. No one knows — probably ever will know — who he was. J. M.

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is in my own room.

Q. You — haven't told us how you killed him, Van Eyck. A. I — I waited until the Major was in the bath. I knew the Major always took a long time. I went upstairs, with the knife. I had in my hand a handkerchief I had found a few days before — in the hall. I thought it was Doon's. I realize now that it was Daphne's — she must have dropped it while at the house.* I'd put the handkerchief in my suit — now I figured it might come in handy. It could be used — a sort of decoy. I heard Doon come upstairs. I waited till he was in his room. I went upstairs. I walked in without knocking at the door. Ed glanced up. As he did so, I brought the knife down quickly. He slipped to the floor. There was no noise, really. I plunged the knife into him. Left it there — they knew Doon had talked about the knife. Quickly I locked the door. Then I waited a little while, carefully rubbing fingerprints off everything. Then I heard footsteps out in the hall. They were soft — so soft — but I knew they were there. I switched off the lamp. Someone knocked softly. Tried the knob. That was Nora — returning her book. She couldn't get in because the door was locked. She went away. I heard her. I waited. It was a bad break. That upset my plans. I decided to use the phone trick — it had been in my mind. I knew Doon was there — I heard him come in just after the Major was in his bath. I dialed a number — seven one one dash six — let the phone ring once, then whispered a few words into the mouthpiece, just loud enough that I knew Doon would hear something.

Q. Weren't you afraid your movements might have been heard? A. I had thought of that. I was in my stocking feet. I softly unlocked the door, closed it behind me, tiptoed out, downstairs. In my haste to get back to my room, I forgot about the doorknob. Evidently, Peter's fingerprints blotted out mine. But Nora — her hand was smaller — not all her prints were rubbed out. It was a quarter to twelve. The Major was still in the bath. It was all a desperate chance — but I thought it had worked. Except that the Major suspected something. He didn't know. But the Hallett episode with the knife — which I didn't know he knew about — that was what did it.

BY MR. STRONG:

Q. There is still much to be explained. Your daughter testified of an experience one night, when she was frightened. A. It was the night I first realized the Major knew about the estate. I didn't know how he'd act. I was afraid he'd tell Betty. Disgrace stared me in the face. I lost my head. I thought I had to get rid of Betty. I went to her room. I had a half notion of — strangling her. Then — then I realized how insane it was. How horrible it was. It was dark — I ran out before she could see.

Q. How about the other experiences she described? A. The screen, you mean? Yes. Hallett was there then. I was nearly frantic. A crazy idea came. Hallett loved Betty —

* Daphne Borden, who never had a chance to testify again, explained to Strong later that she had lost the handkerchief on a visit to the house a few days before the crime, but that she had forgotten the incident. She recalled it near the end of the trial — when she came forward and interrupted. J. M.

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it was for her sake he didn't go to the police. But if he lost her — maybe it would break him — break his soul — leave him with no spirit to tackle me. If she died in what looked like an accident, I might get away with it. I knew about her watering the flowers — I cut the screen. I hadn't known about her having it nailed in.

Q. Cold-bloodedly, you planned that — to save your own skin, and you pretended you loved her! A. I — I knew it was evil. I knew it was — it was lunacy. But I was mad with worry and despair. Everything — on all sides — seemed to be hemming me in. I didn't know what I was doing.

Q. Did you have anything to do with the other things she spoke of — the automobile that nearly hit her and the falling down the stairs? A. Those — were mere accidents — chance experiences. She naturally associated them with the others.

Q. Was Major Faverill ever in love with your daughter, Van Eyck? That's been suggested here. A. No. That's not so. He was just an old friend. He tried — tried to stand by me.

Q. One more question. What did Betty mean when she told Nora there were reasons Nora wouldn't understand behind her engagement to Hallett? A. It was only that Betty was trying, in her way, to do what was right. She was trying to do what she believed was best not only for herself, but for everybody concerned. She was already engaged to him — it seemed right to go through with it. There's so little of me in Betty. She takes after her mother. And that, that is all the truth.*

MR. COLLINS: In view of this confession, your Honor, the People would like to request a directed verdict of Not Guilty against the defendant, and ask you to order him immediately released.

MR. STRONG: Mr. Collins, thank you. As for the defense, your Honor — the defense rests.

THE COURT: In view of the extraordinary developments of this case, the court calls a halt to proceedings. It is unfortunate that this young man must have had his reputation sullied and his emotions scarred by what has happened. The Court apologizes for all that has happened here. I direct the jury to bring in a verdict of Not Guilty.

(Whereupon, at 11:30, the jury retired. At 11:45 they returned to the courtroom.)

THE CLERK: The jurors please rise. Jurors, look upon the defendant. Gentlemen of the jury, have you agreed upon a verdict?

THE FOREMAN: We have.

THE CLERK: How say you, gentlemen?

THE FOREMAN: Not Guilty.†

* Van Eyck had been talking at breakneck speed, pouring out his story. Now he sank back, exhausted. The courtroom was deathly silent. Then noise broke out again. Judge Woode pounded for silence. J. M.

† Shouts and applause greeted this statement. Strong went over and shook hands with Doon, who was already surrounded by newspapermen. J. M.

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THE COURT: We order that this youth be released, with the regret of the court that for so many days he has been held under a shadow of injustice. We hope that in time this may pass away — and be as something that never happened. Court adjourned.*

* As soon as the Judge had left the courtroom, Collins came to us. We all shook hands. At his suggestion, we went out for a drink, and he began to tell us about his plans for trying Richard Van Eyck, who had been placed under arrest as soon as he left the stand. As a matter of fact, Van Eyck was indicted on a charge of first degree murder. A shattered man, he died, in prison, while awaiting trial.

Doon returned to Boston. Several months after the trial, he and Betty met again. The wounds of the trial, and of her blundering attempts to help by lying, were forgotten. Most of the estate was gone. After their marriage, they had to sell the house on Fifth Avenue, which has been torn down. They live in a small apartment in the Village. Major Faverill vanished from sight, but, unless I miss my guess, has undoubtedly found some other friends to sponge on. Oh, yes. Peter and Daphne are also married. They live in the Village, too. Peter is working in Wall Street. Sometimes, the Vincent Doons and the Peter Van Eycks get together in the evenings, for a rubber or so of bridge. J. M.

THE END

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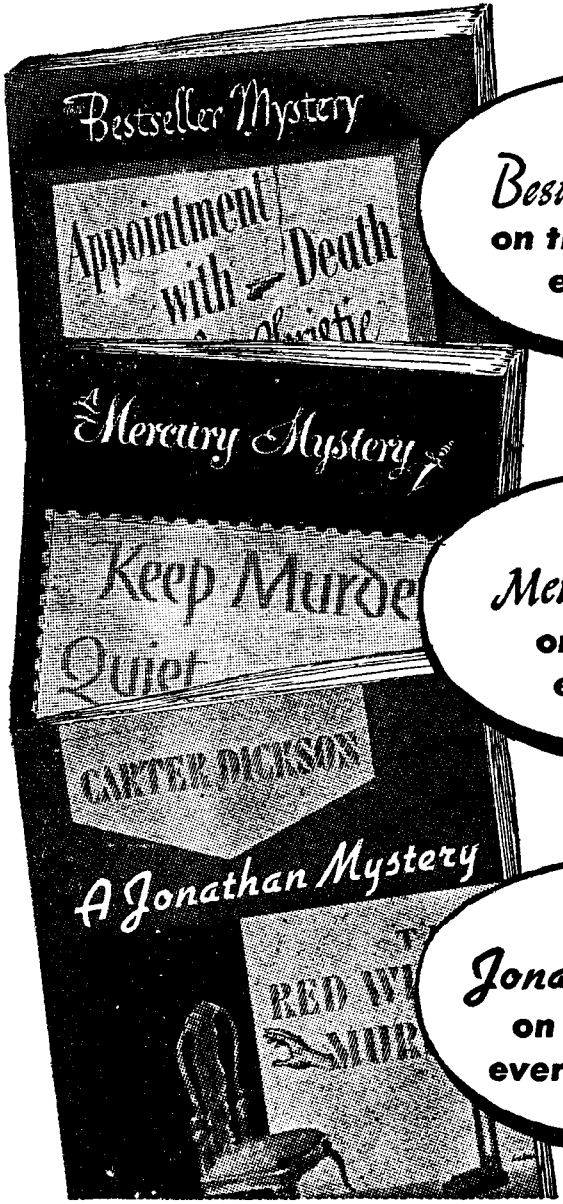

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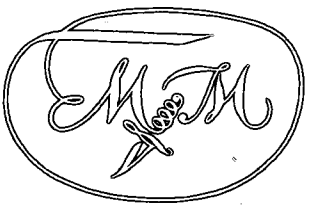

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